PRIVATEERING

Patriots & Profits in the War of 1812

Faye M. Kert

VISIT…

Privateering

JOHNS HOPKINS BOOKS ON THE WAR OF 1812

Donald R. Hickey, Series Editor

Privateering

Patriots and Profits in the War of 1812

FAYE M. KERT

Johns Hopkins University Press
Baltimore

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Printed in the United States of America on acid-free paper
2 4 6 8 9 7 5 3 1

Johns Hopkins University Press
2715 North Charles Street
Baltimore, Maryland 21218-4363
www.press.jhu.edu

Library of Congress Cataloging-in-Publication Data

Kert, Faye.
Privateering : patriots and profits in the War of 1812 / Faye M. Kert.
pages cm. — (Johns Hopkins books on the War of 1812)
Includes bibliographical references and index.
ISBN 978-1-4214-1747-9 (hardcover : alk. paper) — ISBN 978-1-4214-1748-6 (electronic) — ISBN 1-4214-1747-2 (hardcover : alk. paper) — ISBN 1-4214-1748-0 (electronic) 1. United States—History—War of 1812—Naval operations. 2. Privateering—United States—History—19th century. I. Title.
E360.K46 2015
973.5'25—dc23 2014043212

A catalog record for this book is available from the British Library.

Special discounts are available for bulk purchases of this book. For more information, please contact Special Sales at 410-516-6936 or specialsales@press.jhu.edu.

Johns Hopkins University Press uses environmentally friendly book materials, including recycled text paper that is composed of at least 30 percent post-consumer waste, whenever possible.

Contents

Acknowledgments vii

Introduction. "A Ruinous and Unnecessary War" 1

1 *In Flagrante Bello* 9

An Unwelcome War 10 / Managing Private Armed Warfare 11
Annoying the Enemy 13 / Underwriting the Cost of War 15
Stratagems of War 18 / Keeping the Prize 22
Strict and Rigorous Blockade 24 / Long-range Privateering 26
The "Mud-Clipper" Trade 30 / Compulsory Convoy 32
Win, Lose, or Draw? 35

2 "True, Publick and Notorious" 38

The Origins of Privateering 40 / The Rise of Prize Law 41
International Law and Neutral Rights 43 / Colonial Vice-Admiralty Courts 45
The *Marquis de Somerueles* 46 / A Southern Prize Court 47
The Admiralty Court Process 50

3 No Prey, No Pay 57

The Cost of War 57 / Commercial Warfare 58 / Economic Options 59
Atlantic Canada's Privateers 73 / American Privateers 77
Eyes on the Prize 79 / Privateering out of New York 82
The Balance Sheet 85

4 The Misfortunes of War 89

Taking the Risk 91 / The Perils of Privateering 93
Drink, Discipline, and Duty 95 / Combat, Capture, and Recapture 99
Prisoners of War 101 / Death and Destruction 106 / Conclusion 109

5 The Prizewinners 111

Liverpool Packet 112 / *Yankee* 117
Comet 118 / *America* 120 / *Saucy Jack* 122
True Blooded Yankee 125 / *Surprise* 128 / *Fox* 130 / *Retaliation* 133
Sir John Sherbrooke 135 / *General Armstrong* 138

Conclusion. The Final Tally 144

Appendix. Prize Makers and Prizes 149
Notes 157
Essay on Sources 191
Index 199

Acknowledgments

Privateering is so elusive by nature that capturing a privateer historically is almost as difficult as capturing one physically. Unlike naval history, which is richly endowed with archival collections, contemporary histories, personal memoirs, and official documents, or even pirate history, which has a voluminous romantic and anecdotal, if not always reliable, reference base, privateering has left a much lighter imprint on the historical record. The information is there, but unearthing it is like hunting for the privateers themselves, through smaller byways and less-traveled channels.

My journey through this uncharted territory would have been impossible without the inspiration, guidance, support, collaboration, and patience of so many friends, colleagues, archivists, librarians, historians, editors, and enthusiasts. I am especially grateful to Don Hickey for aiding and abetting this project. My thanks to all who so generously shared their extensive knowledge, collections, contacts, and research with me, particularly Paul Adamthwaite, Brian Arthur, Farris Cadle, René Chartrand, Roger Cole, George W. Emery, A. W. German, Fred Hopkins, Ron Joy, Jean Kitchen, Fred Leiner, Tom Malcomson, Joseph Mosier, Michael Rutstein, Josh Smith, John Telfer, Diane Williams, Virginia Steel Wood, and Lesley Woodward. In the course of this voyage, I have tried to bring a long-neglected aspect of the maritime history of the War of 1812 to light. If I have succeeded, it is thanks to those I have mentioned and many more. Needless to say, any errors are my own.

Anyone who has ever undertaken a book project knows that access to the collections of local, regional, and national archives, libraries, and museums is absolutely essential, but many of those I contacted in these institutions went so far beyond the basic concept of service that they deserve recognition. Special thanks are owed to the following: Shane Bell, the National Archives at Atlanta; LCDR Claude Berube, USNR, Director, U.S. Naval Academy Museum; James Capobianco, Houghton Library, Harvard University; Patrick Connelly, the National

Archives at New York; Gail Farr, the National Archives at Philadelphia; Chuck Fithian, Curator of Archaeology, Division of Historical and Cultural Affairs, State of Delaware; Elizabeth Fournier, Librarian, Directorate of History and Heritage, Department of National Defense, Canada; David K. Frasier, Lilly Library, Indiana University; Patricia Kennedy, formerly of Library and Archives Canada; Jamie Kingman-Rice, Maine Historical Society; Lindsay M. Kleinow, Reference and MCWAR Direct Support Librarian, Marine Corps Research Library; Owen Laurie, Maryland State Archives; Richard Malley, Connecticut Historical Society; Paul Mercer, Senior Librarian, Manuscripts and Special Collections, New York State Library, Albany; Mark Mollan, Navy/Maritime Reference, Archives I, National Archives and Records Administration, Washington, DC; Linda Rafuse, Director, Queen's County Museum, Liverpool, Nova Scotia; Ava Sturgeon, Archivist, Grand Manan Historical Society, New Brunswick; Amy Trout and Jerry Roberts, Connecticut River Museum; Janet de Wolfe, Clements Library, University of Michigan.

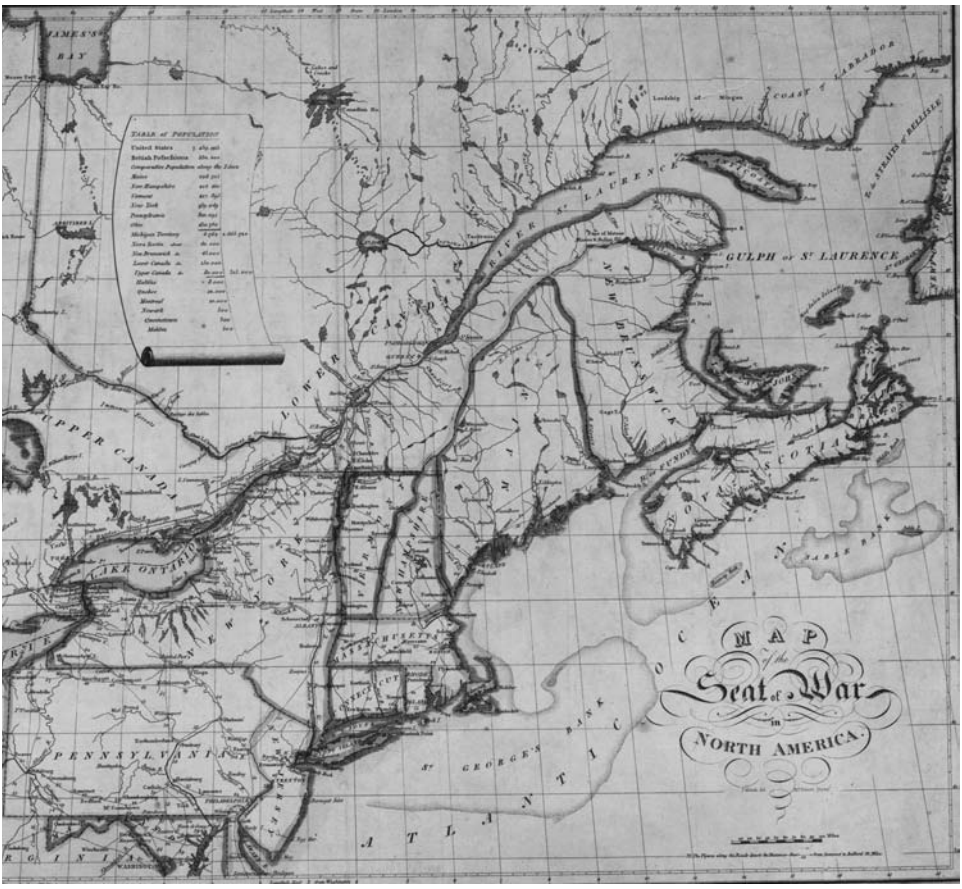
Finally, I would be remiss if I did not thank the privateers themselves, whose daring and determined pursuit of wartime wealth inspired their fellow citizens, outraged their enemies, and inspired me on a fascinating research voyage. Without them, the War of 1812 would have been a very different conflict.

Note to Reader. Additional appendixes to this book may be found online at www.press.jhu.edu. They are on U.S. privateers and letters of marque, Atlantic Canada privateers and letters of marque, prizes taken by American privateers and letters of marque, and prizes taken by Atlantic Canada privateers and letters of marque.

"A Ruinous and Unnecessary War"

Ill-conceived and inconclusive, the War of 1812 began in confusion and ended much the same way. The day after war was declared, the *Salem Gazette* expressed the antiwar sentiments of most New England Federalists: "The mass of people shudder at such an event, as unnecessary, ruinous, and criminal as suicide."[1] Was the war ruinous? For those who lost lives, limbs, homes, family, or fortunes, indubitably. Others, including several future American presidents, turned military victory, prize money, or wartime profits into successful postwar careers. Was it necessary? Opinion was strongly divided at the time, and, while many historians have argued that war was the only solution, it could probably still be debated today. There were, of course, plenty of Republican-leaning newspapers that supported the war. Viewed from a two-hundred-year vantage point, what was once dismissed as an inconsequential conflict has gradually taken on a new perspective as America's second War of Independence from Britain and Canada's first.

The bicentennial of the War of 1812 has prompted exciting new research into the political, strategic, and economic issues surrounding the military conflict and produced a more nuanced understanding of the complex relationships among Great Britain, the United States, and colonial Canada in the early nineteenth century. As current and former colonies of Great Britain, respectively, Canada and the United States shared similar legislative, political, and commercial roots. Following the American Revolution, many Loyalist families from New England relocated to Nova Scotia and New Brunswick while still maintaining family and commercial relationships in their former states. Despite their political differences, there was a neighborly policy of "live and let live" among the bordering communities. As the *Boston Gazette* explained, "The people of the two countries



Map of the Seat of War, 1812
This hand-colored engraving of the area of North America contested in the War of 1812 was published by John Melish, ca. 1812. (*Source*: Library and Archives Canada, W. H. Coverdale Collection of Canadiana, n0006760.)

have no feelings of hostility towards each other, great as have been the efforts to exasperate them. If it were not for the privateers, (which are few in number, and we trust will be less) it is probable that our coasting trade would be altogether unmolested. It is a most unnatural war. The inhabitants on each side of the Canada line, are connected by marriage, business and good offices, and cannot be forced to shed each others [*sic*] blood."[2]

Sparsely populated and dependent on the fishery, trade, and lumber industries, the Maritime provinces relied on their American neighbors for food and other commodities. Large American cities like New York, Boston, Baltimore, and

Philadelphia offered a ready market for the British manufactured goods and colonial produce that was carried into Halifax by British ships and transhipped south. In spite of their competition in the West Indies trade, the maritime colonies of Nova Scotia and New Brunswick enjoyed a mutually beneficial (if not always legal) relationship with the United States. Had France and England not been gripped in a monumental struggle over Europe from 1793 on, it is unlikely that Canada and the United States would have ever come to blows.

Intermittent war with France over nearly two decades had seriously weakened Britain's maritime economy and preoccupied the Royal Navy in Europe and abroad. A dizzying series of French, British, and American blockades, embargoes and trade interdictions choked and released international commerce after 1793. Taking full advantage of its status as a neutral nation to trade with either France or England whenever and wherever possible, the United States prospered under the drawback system, whereby duties on imported goods carried into the United States were returned if the goods were reshipped to a foreign country within one year.[3]

When American trade to the Caribbean was temporarily suspended, the canny shipowners and merchants of New Brunswick and Nova Scotia filled the vacuum in the West Indian carrying trade and began enjoying unexpected profits prior to 1812. War promised to put an end to this prosperity while threatening trade routes from Halifax to the Caribbean and beyond. By the time hostilities between Great Britain and the United States boiled over into war in June 1812, merchants, shipowners, and the seafaring communities on both sides were well aware of the economic upheaval a war at sea would entail.

Despite having the largest navy in the world, Britain was constantly struggling to keep her ships manned and active against French depredations in the Mediterranean, the West Indies, and North America, while supporting her troops against Napoleon's army in Spain and Portugal. American merchants deeply resented the on-again, off-again trade restrictions between Britain and France, which were usually to America's disadvantage. But worse than being denied access to certain ports or commodities was the indignity of having their sailors impressed into the Royal Navy from right off their own decks. Following the British victory at Trafalgar in 1805, Royal Navy vessels seemed to increase their interference with American shipping, seizing seamen from American vessels, including the USS *Chesapeake*, with impunity—even those who were able to furnish proof of American citizenship.[4] It was an insult to national pride that nearly led to war in 1807, but without a strong navy of its own, the United States could only retaliate with diplomatic protests and its own embargoes, which had little effect and served only to aggravate relations with Britain.

By 1812, incidents of bruised honor, obstructed trade, and impressment at sea burst into the rallying cry of "Free Trade and Sailors Rights" and set the United States on the road to war. That 1812 happened to be an election year was just one of many considerations driving President James Madison to declare war. Dreams of territorial acquisition, such as Spanish Florida to the south and Canada to the north, as well as a desire for western expansion into Indian lands under British control also played a prominent role. Thomas Jefferson's confidence in his successor's plans reflected America's widespread overconfidence and lack of awareness: "The acquisition of Canada, this year, as far as the neighbourhood of Quebec, will be a mere matter of marching; & will give us experience for the attack of Halifax the next, & the final expulsion of England from the American continent. Halifax once taken, every cockboat of hers must return to England for repairs."[5] While the war hawks from the agriculturally depressed southern states aggressively pushed Congress for war, the maritime merchants of New England counseled peace. Even the prospect of financial ruin brought on by war could not halt the process.

Against this backdrop of deteriorating diplomatic relations was the reality that neither the United States nor Britain's North American provinces had sufficient naval power to protect whatever shipping might venture out. The British navy, mired in war with France, had relatively few vessels to spare for its colonies. Moreover, most of that force sailed south to safeguard Britain's West Indian trade from November to April. Meanwhile, plans for building an American navy after the Revolution had received short shrift in the face of the government's reluctance to invest in an expensive shipbuilding program. The only viable solution was the use of privately owned and armed vessels to attack enemy shipping while protecting one's own trade. These vessels and the men who sailed in them were known as privateers.

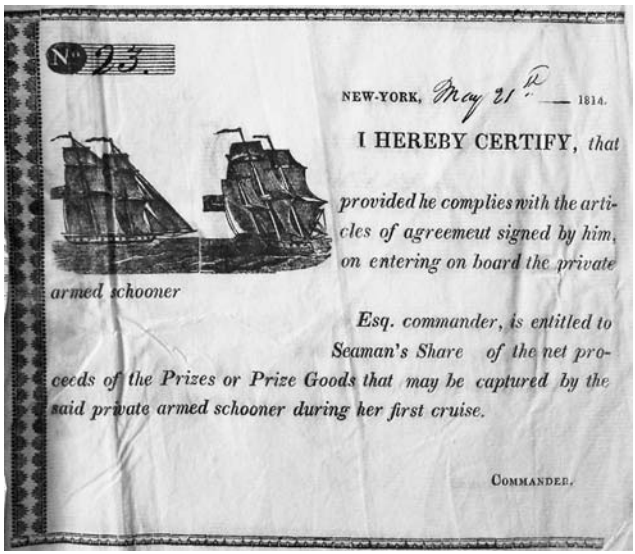
By 1812, privateering was recognized as a key weapon of maritime warfare, legally grounded and understood, if not always respected, by both sides of the conflict. Under the rule of admiralty law, privateers required a letter of marque and reprisal issued by the Crown through the lieutenant governor in the British colonies or by the president via the secretary of state in America. This was a commission or license allowing a shipowner to outfit his vessel with guns and a crew to attack enemy vessels according to strictly prescribed rules. The incentive, of course, was profit. A captured vessel deemed a "good and lawful prize" by a duly appointed admiralty court (vice-admiralty court, in the case of Halifax) entitled the captors to the ship and all its furnishings as well as to the proceeds from the sale of the cargo. Even when the profits were divided among owners, investors,

captain, officers, and crew in their agreed-upon shares, the proceeds for each person could be significant.

Unlike naval captains who were obliged to defend their nation's maritime trade and honor against all comers, privateers could decide whether or not an enemy vessel was worth their while. The bottom line, not bravery, was the deciding factor. The ideal prize was one that could be taken with as little force as possible, thus preserving the resale value of the ship and cargo and leaving the privateer unscathed. Unfortunately, this was not always possible, and many privateersmen were killed and wounded in action. Even when a prize was taken, accidents, storms, deceit, and treachery, not to mention recapture by the enemy's navy or privateers, often conspired to deprive a crew of their hard-won capture. And that was before a ship reached port to face the unpredictable verdict of a prize-court judge.

Recent authors have examined political and social aspects of the War of 1812 or the contributions of individuals, while others have addressed it from a naval or battlefield perspective. One area that still remains largely unexplored is the role of privateers. Based on international law and the establishment of belligerent rights at sea, private armed warfare evolved over six centuries with a process and practices familiar to every maritime nation in the world. From its earliest beginnings as a near-piratical means of resolving private disputes that arose at sea beyond the rule of territorial boundaries, privateering had developed into a legitimate, effective, respectable, and reliable weapon against an enemy's maritime trade. Privateering first required a declaration of war to define the enemy; second, there had to be a prize act to authorize the government to issue letters of marque and reprisal against that enemy. Without these two components, the capture of ships at sea was considered nothing but piracy, and the participants were liable to be hanged.

As it was practiced in Britain's Atlantic Provinces and the United States, privateering was a direct descendant of British admiralty law and followed a long, respected, and usually respectable tradition.[6] During wartime, the choice between working for shares instead of wages versus not working at all required little thought. Moreover, an independent privateer voyage for a month or two with the prospect of prize money was infinitely preferable to the low pay and harsh discipline of Royal Naval service with fewer prizes and no end in sight. As a weapon of economic warfare, privateering cost the government almost nothing. Yet it provided employment, prize cargoes of merchandise often not otherwise available, financial incentives for those willing to take the risk, and an opportunity to serve one's country while conveniently serving oneself. Although not really a strategic


N° 93.
NEW-YORK, May 21st 1814.
I HEREBY CERTIFY, that
provided he complies with the articles of agreement signed by him, on entering on board the private armed schooner
Esq. commander, is entitled to Seaman's Share of the net proceeds of the Prizes or Prize Goods that may be captured by the said private armed schooner during her first cruise.
COMMANDER.

Blank Share Certificate for the Privateer Hussar of Baltimore, MD
Privateers worked for shares rather than wages. When they joined a ship, they received a certificate that indicated the number of shares they were entitled to according to their Articles of Agreement. When a prize was sold, the men presented their share certificates and received their money. The men also bought and sold their shares like stock options. (*Source*: Library and Archives Canada, Vice-Admiralty Court of Nova Scotia fonds, vol. 108.)

weapon, privateers supported their nation's military objectives by attacking and capturing the enemy's commercial vessels; interfering with trade, fishing, and communications; raising prices, freight, and insurance rates; and depriving the enemy of food, manufactured goods, and other necessities of life. Privateer successes served as useful propaganda and boosted morale, while losses encouraged other privateers to seek revenge.

Would war have been averted if British diplomacy had not been overtaken by events? Possibly, but once the more entrepreneurial maritime investors realized that attacking someone else's livelihood first was a good way of enhancing their own, the concept of nonaggression dissolved into a veritable frenzy of shipbuilding and refurbishment. Along the entire Atlantic coast, commercial vessels were converted to commerce raiding and men and munitions primed for action.

While private armed vessels operated out of most British colonies, this book will examine the vice-admiralty court records for Nova Scotia and New Brunswick.[7] These documents include captures by Royal Navy vessels and more than

forty privateers. American prize cases are not held in a single repository and are thus more difficult to gather. Fortunately for historians, Hezekiah Niles, a Baltimore newspaper owner and editor, made it his mission to record the prizes taken by Americans during the War of 1812 in the *Weekly Register.*

Referring to the laborious and detailed work required to report a war, Niles mentions the difficulty he had tracking clouds of unofficial reports. Having followed in his footsteps two hundred years later, I cannot but agree with his conclusion that "it is the insertion of the thousands of little incidents occurring, beneath the dignity of official communication that gives a zest to the domestic history of a country." Niles's accounts provide a starting point for evaluating the prizemaking activities of more than six hundred American privateer vessels, most of whose commissions are recorded in the National Archives in Washington, D.C.[8]

The U.S. declaration of war on 18 June 1812 caught Great Britain, her colonies, and even many Americans by surprise. It was not a universally popular choice, despite the congressional majority the vote received. In the New England states, Federalist newspapers carried articles condemning the prospect, flags flew at half-mast,[9] and rioting broke out in Baltimore. British public opinion was incredulous, and even senior government officials were taken aback, but London's *Morning Post* was smugly confident that it would take Britain no more than a few months "to convince America of her folly by a necessary chastizement of her insolence and audacity."[10]

Desperate to avoid war on a second front while her troops were still battling Napoleon in Europe, Britain postponed her declaration of war in the hope that such public opposition would force Madison to negotiate a settlement. Instead, the delay merely restrained colonial privateers, who could not obtain a letter of marque without a war, and created a free-for-all for their American counterparts. Nearly five hundred prizes, or roughly 25 percent of prizes captured by U.S. privateers, were taken during the first six months of the war, when there were only a couple of provincial privateers to oppose them.

Despite its dubious reputation, privateering was neither piracy nor national defense. It was a privately owned and operated business, conducted legally for the benefit of the participants and, coincidentally, for the state. Although more popular and considered safer than naval service, privateering was actually fraught with danger, as capture and casualties haunted every cruise. Those who engaged in it were well aware that the threats inherent in seafaring would be compounded by attacking enemy vessels, most of which were armed. Nevertheless, owners and investors were willing to risk their capital and sailors their lives to capture valuable ships and cargoes. The goal of privateering was to minimize combat and

maximize profits by seizing merchant vessels that were smaller or less well-armed and, thus, less likely to inflict damage on the privateer, the crew, or the prize. Privateer crews in vessels like *America*, *Yankee*, *General Armstrong*, and others earned respect as skilled and tenacious fighters, but most privateers relied on their ships' speed and maneuverability to escape a bloody action and survive to hunt another day. When the incidence of injury, imprisonment, and death rendered privateering more hazardous and destructive than anticipated, the rewards no longer outweighed the personal and financial risks.

Meanwhile, the imposition of the twin British tactics of close blockade and compulsory convoy gradually confined American shipping to port and emptied the sea of prizes. American privateers were forced to sail as far as England, Europe, Africa, and even the Pacific in search of prey.

It is difficult to determine just how many privateers took an active role in the War of 1812. Provincial archival records from New Brunswick and Nova Scotia indicate that at least forty to forty-five vessels obtained one or more letters of marque from their respective lieutenant governors. American figures are somewhat less reliable and, depending on the source, range from Niles's original 1815 list of 527 privateers to Reuben Stivers's 1975 estimate of 517 vessels, to John McManemin's 1992 estimate of 492. Although accused of gross exaggeration by the admiralty, Admiral Sir John Borlase Warren suggested there were roughly 600 American privateers in 1813. His estimate, based on the evidence from his naval vessels that were constantly confronting and chasing the privateers, is closer to my own finding of at least 1,172 letters of marque issued to just over 600 vessels over the course of the war.[11]

Among those who dreamed of rich prizes and easy wealth, fewer than half of all privateers captured any ships whatsoever, and almost two-thirds of those prizes were either recaptured or lost before they ever reached port. Nevertheless, during the War of 1812, hundreds of private armed ships commissioned by the United States and Atlantic Canada employed several thousand men and brought in millions of dollars worth of prize goods to their respective ports. While the net impact of privateering is probably impossible to determine, private armed warfare endured into 1815, an indication of either continuing profitability or overwhelming optimism. Intensely competitive, occasionally compassionate, and sometimes fatal, privateering could also be rowdy, speculative, and unpredictable. Some privateers were famous for their daring, others for their luck, some for a lengthy career, and others for a spectacular end. I have tried to confirm as much of their history as possible from a variety of sources to illuminate a fascinating and little-known chapter of the War of 1812.

CHAPTER 1

In Flagrante Bello

When the British looked to see
Why their ships should disappear
They found they had in convoy
A Yankee Privateer

— *Anonymous*, The Yankee Privateer

Why the United States declared a war it could not afford to fight, let alone win, has puzzled historians for two hundred years. Failure haunted American offensives on land and, despite the efforts of a small but surprisingly feisty American navy, a fleet victory at sea against the might of the Royal Navy was equally unlikely. Although the war was definitely won at sea, it was less a naval victory than a naval standoff.[1] Most of the real sea fighting was between private armed vessels and their intended prey, or naval vessels defending their prey–at least until the twin British weapons of blockade and convoy sealed the American coast and cleared the seas of potential prizes. Stealth, skill, speed, and trickery were all part of the privateer's arsenal, wielded with craftiness, courage, and a finely tuned sense of self-preservation. Privateers did not win the War of 1812, but they certainly put up the best fight.

Privateering was ideally suited to America's post-Revolutionary agenda of demilitarization, a defensive rather than offensive national war strategy and little or no military expenditure. While much of the U.S. Navy constructed during the Revolutionary War slowly disintegrated at the dock, the government invested in small, shallow-draft gunboats, a sort of floating battery, that was favored by President Thomas Jefferson. Cheaply and quickly constructed for roughly $2,000 apiece, approximately 175 gunboats were built prior to 1812, but aside from their limited usefulness for coastal protection, few saw any action.[2] Privateers, on the other hand, were owned, armed, and manned by private individuals primarily for

their own economic benefit. Never meant to serve as an instrument of America's naval strategy, private armed vessels were a personal response to war at the community level and a way for merchants, investors, and seafarers to use their money, ships, and skills to their own advantage where and how they saw fit. "Privateers," as Jefferson shrewdly observed, "will find their own men and money. Let nothing be spared to encourage them. They are the dagger which strikes at the heart of the enemy . . . our privateers are bearding and blockading the enemy in their own seaports. Encourage them to burn all their prizes and let the public pay for them. They will cheat us enormously. No matter; they will make the merchants feel, and squeal, and cry out for peace."[3]

Once at sea, privateers were on their own. There was no governing body like the Admiralty or the U.S. Navy to coordinate their activities and no formal code of conduct aside from their letters of marque and any owners' instructions they may have received. Since the navy and privateers did not share signals, any intelligence gathering was a matter of chance encounters at sea or in port, which makes it difficult to evaluate the strategic value of privateering. Privateers have occasionally been described as a type of seagoing militia or naval auxiliary,[4] but any tactical role they might have played was either incidental or accidental. That is not to say that privateers did not contribute to the War of 1812. In the opinion of U.S. Supreme Court justice William Johnson, "although the privateer may be considered a volunteer in the war, it is not less a part of the efficient national force, set in action for the purpose of subduing an enemy."[5] In fact, America's lack of a navy large enough to protect its shipping ensured that the only successful American offensive against British commerce was propelled by privateers.[6]

AN UNWELCOME WAR

The United States declared war on 18 June 1812, but Great Britain delayed its own response for three months until 13 October, confident that the war was just a misunderstanding that could be settled with words in lieu of weapons. This uncertainty left the lieutenant governors of Nova Scotia and New Brunswick walking a tightrope between war and peace. On 1 July, Sir John Coape Sherbrooke of Nova Scotia officially proclaimed the American declaration of war. This shocking news was followed a few days later by his request that citizens of both provinces "abstain from molesting" the goods and vessels belonging to those living along the American shores as long as they offered no aggression against them.[7] This attempt at conciliation owed as much to Sherbrooke's awareness of the decrepit state of his province's coastal fortifications as to an understanding of British efforts to placate the United States. Meanwhile, anxious citizens of Saint John, New

Brunswick, must have been relieved to learn that, although officially at war, their American neighbors across the river at Eastport had already "unanimously agreed to preserve a good understanding with the Inhabitants of New-Brunswick–and to discountenance all depredations on the property of each other."[8] Equally ill prepared and largely opposed to war against Great Britain, most New Englanders were more than happy to live and let live.

In spite of the pro-war rhetoric in Congress and the Republican press, President James Madison's declaration of war did not meet with universal approval. Congress may have voted 79 to 49 in favor of war, but virtually all of the contra votes came from the New England states.[9] On 20 June, the *Federal Republican* of Baltimore called it a "deed whereat valor will weep . . . against the clear and decided sentiments of a vast majority of the nation." A week later, pro-war rioters destroyed the offices of the *Federal Republican*, assaulted the staff, and killed Gen. James Lingan, an elderly veteran of the American Revolution who had tried to protect the publisher.[10] The *New York Commercial Advertiser* called the war a "MOST AWFUL CALAMITY," while the *Norfolk Gazette and Public Ledger* of 20 July carried a story from Philadelphia, where local inhabitants expressed despondence over the "novel and deplorable situation," and a month later reported a riot in Portsmouth when a war supporter was recognized on his way to a dinner party and chased down the street.[11] Even the generally pro-war southern states had their objectors. As early as January 1812, a Raleigh paper had noted that North Carolinians were more interested in the annexation of Florida than Canada: "We have little desire here to march a thousand miles to conquer frozen deserts and bring away for our pains a knap sack full of snowballs."[12] Meanwhile, a Montreal paper was exhorting Canadians to arouse from their lethargy regarding American designs on Canada.[13] "A Nova Scotian," writing in the *Halifax Gazette* of 15 July, called it a "mad Declaration of War . . . so evidently unnecessary, impolitic, unnatural, and wicked, that there is still a difficulty in realizing it, as the solemn act of a Deliberate Body."[14] Yet war there was, and a letter of marque was a perfect way to combine patriotism and profit.

MANAGING PRIVATE ARMED WARFARE

Privateering had evolved from an ad hoc medieval practice–captors could no longer throw an illegally captured crew overboard and claim salvage of an "abandoned" ship–but even in 1812 it still required some monitoring. A prize act, which initiated privateering at the start of a war, was the primary means by which federal authorities could exert some control over the actions of independent-minded privateers. Government refusal or withdrawal of a letter of marque was rare, though

not unheard of. When the questionable behavior of small, rowboat privateers in particular began to cast doubts on the reputation of private armed warfare, Secretary of State James Monroe first revoked the licenses of the worst offenders and finally advised customs collectors to discontinue issuing letters of marque to vessels manned by fewer than twenty men.[15]

Like the war itself, privateering was not universally popular, for a variety of religious, political, and social reasons. Public attitudes toward privateers ran the gamut, from approval of them as "a dashing, brave set of disinterested men, and an honor to their country"[16] to disgust for those found "unruly, drunk, and insubordinate."[17] There was plenty of evidence to justify both opinions. Salem fielded more than forty largely respectable and successful privateers, whereas the antiwar Quakers and Federalists of nearby New Bedford never issued a single letter of marque. Opposed, but legally unable to forbid privateers to enter their port, New Bedford cleverly imposed a forty-day quarantine on privateers, claiming that cruising in various climates and indiscriminate boarding of ships made them a danger to public health.[18]

Among those least fond of the privateers was the navy, with whom they competed for men, supplies, ships, and prizes. Royal Navy captains did not hesitate to show their dislike and distrust of their supposed colleagues in arms. When HMS *Dispatch* found Nova Scotia's most successful privateer, the *Liverpool Packet*, prowling for prizes around Cape Cod in late 1814, the captain impressed six men off the privateer and warned Captain Lewis Knaut that, if he were caught west of Cape Cod again, his vessel would be burned.[19] Such antagonism was partly due to the frustration felt by many Royal Navy officers who had to spend their days sailing back and forth on blockade duty with little chance of a prize to supplement their meager pay, while provincial privateers hunted freely and sailed their prizes into the very ports the navy was obliged to protect. Long days, bad weather, short rations, and the threat of scurvy exacerbated the blockaders' weariness. When Admiral Sir John Borlase Warren returned to Halifax and Admiral Sir George Cockburn sailed to Bermuda in September 1813, Captain Robert Barrie of HMS *Dragon* was left behind to hold the Chesapeake with a skeleton force of one ship of the line, two frigates, and a few smaller vessels. He complained in a letter to his mother that "this blockading affair is a sad disappointment to me who expected a cruize off New York for the winter."[20] No wonder officers and crew longed to return home, especially given that, as some intercepted letters revealed, many were "severely afflicted with the scorbutic complaints."[21]

When it was to their advantage, American privateers did work with each other and the navy, which needed all the help it could get. During the spring and sum-

mer of 1813, the privateer *Comet* (Thomas Boyle) and three other Baltimore privateers temporarily joined the U.S. Navy. By then, the British had blockaded the Virginia Capes and were using their smaller boats to attack settlements and coastal shipping. At the urging of Baltimore insurance underwriters and Capt. Charles Gordon, U.S.N., commanding the naval forces in the Chesapeake Bay, the Navy Department authorized Gordon to hire *Comet*, *Wasp*, *Revenge*, and *Patapsco* to protect trade in the Bay and to relay information regarding enemy movements.[22]

Distinguishing letter of marque traders from privateers is often difficult since the same vessel could sail as one and then the other with little more than extra men and a new commission. For example, once relieved of its naval duties, *Patapsco* rearmed as a privateer, carrying ten guns and one hundred men, while *Wasp* became a letter of marque trader and sailed with one gun and nine men. The British Transport Board manning formula, circa 1805, called for roughly one man per twenty tons, but letters of marque and privateers carried considerably larger crews to allow for the manning out of prizes without leaving their own ship shorthanded. *Rossie*, for example, carried a crew of one hundred men and eleven guns as a privateer under Joshua Barney, but only thirty-five men and five guns on its second, less lucrative voyage as a letter of marque. Similarly, as a letter of marque, the 240-ton schooner *Atlas* of Philadelphia carried one long nine-pounder gun and twenty-seven men and, by flying a false flag and pretending to be a British ship, captured a single licensed trader. On *Atlas*'s next cruise as a privateer, Capt. David Maffet had a dozen nine-pounders and a crew of 112 at his disposal and less need for subterfuge. This time he cut out two large East Indiamen of 450 and 280 tons, respectively, heading home from Surinam to London with valuable cargoes of coffee, cotton, and cocoa. Badly mauled in his bold attempt to take both prizes at once, Captain Maffet lost the smaller ship to HMS *Shannon*, but the larger vessel, appropriately named *Pursuit*, reached Philadelphia safely.

ANNOYING THE ENEMY

Lucrative as it was, privateer captures of weak or unarmed merchant vessels served no strategic purpose beyond annoying and embarrassing their respective governments. What did hurt was the seizure of British mail packets and transport ships and the loss of their badly needed cargoes and crews. Captured mail packets made life very difficult for Admiral Warren and Lieutenant Governor Sherbrooke, since they were often without information or instructions from the British government for months on end.[23] American privateers took at least seventeen mail packets during the war, carrying dispatches, official information, and specie to and from their base at Falmouth. One week in May 1813 saw the *Anaconda*

capture the *Express* packet heading to the Rio Plate with $80,000 aboard and the *Governor Tompkins* take the *Mary Ann* with $60,000 in gold bullion returning to Falmouth. In both cases, although the mails were sunk and any intelligence they carried was lost, the infusion of hard currency more than made up for it.

Destruction of British transports was an even higher priority for the U.S. Navy. In May 1813, Secretary of the Navy William Jones advised Capt. Samuel Evans of USS *Chesapeake*, "It is impossible to conceive a Naval Service of higher order in a National point of view, than the capture & destruction of the enemys [*sic*] stores, ships with Military & Naval stores, destined for the supply of his armies in Canada, & Fleets on this station, & the capture of transports with troops destined to reinforce Canada or invade our own shores."[24] Stopping this traffic was so vital to the national interest and the risk of recapture was so high that Jones suggested that Evans destroy every prize, especially those with military and naval stores, rather than weaken his crew by sending them in. The U.S. Navy captured five or six transports during the course of the war, but at least twenty were taken by American privateers, beginning with Transport No. 50 in July 1812. As the *Salem Mercury* reported, the 295-ton brig with two guns and twelve men en route from London and Halifax to Saint John, New Brunswick, refused to fight the one-gun privateer *Madison* and was carried into Gloucester with 100 quarter-casks of gunpowder, 830 uniforms for the 104th New Brunswick Regiment of British infantry, some bales of superfine cloth for officers' uniforms, ten casks of wine, drums, trumpets, and other camp equipage, officers' luggage, and more, estimated at $50,000. The loss of the uniforms and musical instruments must have been particularly galling, as replacements would have been unavailable in the provinces. Meanwhile, the red coats with buff cuffs and collars were bought by the U.S. commissary general for four dollars apiece and turned into band uniforms for American musicians.[25]

A more serious loss was the September 1812 capture of the transport *Lady Johnson* with a cargo of forty cannon, Congreve rockets, and powder for the Halifax Station. Lieutenant Governor Sherbrooke immediately begged Lord Bathurst for more ordnance stores.[26] In January 1813, *Mars* of Portsmouth brought in the transport *Lord Keith*, carrying $100,000 in desperately needed specie, while *Paul Jones* got $3,000 in specie as ransom for the transport *Canada*, en route from London to Malta with one hundred soldiers and forty-two horses. Ransomed soldiers or sailors were usually required to give their parole not to resume fighting until they were exchanged, further depriving Britain of their services. In August 1814, the Portsmouth privateer *Fox* intercepted the Quebec-bound ordnance transport *Stranger* and rerouted it to Salem, thereby denying His Majesty's forces on the

Great Lakes 65 pieces of cannon, 300 boxes of ammunition, and blankets for the British fleet. The most exotic prize was HM transport brig *Doris*, No. 650, from Senegal for Portsmouth, sent into Marblehead in July 1814 by the *Grampus* of Baltimore. On board were thirty to forty soldiers, two "elegant" horses, one hyena, two jackals, and assorted "presents" for the prince regent. While not exactly strategically important, such a prize was both a black eye for the Royal Navy and a delight for the local citizens. News of such wins and losses was faithfully reported throughout the war by Niles's *Weekly Register* in Baltimore and *Lloyd's List* in London.[27]

Like the men who served in them, private armed vessels came in all types and sizes, from the 555-ton letter-of-marque ship *Jacob Jones* of Boston, credited with two prizes from Canton filled with gold dust and opium worth more than $90,000, to open boats like the tiny, two-ton *Lark* from Frenchman's Bay, Maine, which was carried into Portland on the deck of its 140-ton prize, *Traveller*.[28] Isaiah Hook, the local collector of customs, strongly suspected the David and Goliath story of the *Lark* had more to do with a prearranged capture than a lucky prize, but he could do nothing except recommend that its license be revoked.

UNDERWRITING THE COST OF WAR

Newspapers eagerly reported the comings and goings of local privateers and the arrivals of any prizes, while Hezekiah Niles carefully recorded privateer news from around the country. The most meticulous records of American privateer activity, however, may well be found in *Lloyd's List*, published biweekly by the London insurance company that was underwriting so many of the losses. In each issue, a Marine List section noted vessels captured, lives and cargoes lost to storm or misadventure, and any recaptures by British naval vessels or privateers. In December 1814, Lloyd's advised the House of Commons that, since the start of the war, Americans had captured 1,175 British vessels, of which 373 had been recaptured or given up.[29] This figure is lower than the over 1,900 American privateer prizes I have found, but it may also reflect numerous vessels that were not insured.

Insurance rates offer a useful gauge for measuring the success of prizemaking. As the number of claims increased, premiums hit record levels, adding to the already heavy cost of maritime trade. According to one source, for the first six months of 1812, insurance for a voyage from Jamaica to England was 6.8 percent. In a matter of months, the depredations of American privateers had driven rates up to 11 percent.[30] Thanks to these "Yankee scorpions of the sea," by 1814, British insurance rates were 30 percent higher than in 1812.[31] At the same time, insurance between Halifax and the newly captured area around Castine, Maine, a day's sail away, was roughly 20 percent.[32]

To reduce mercantile losses and thereby, their own, Lloyd's underwriters worked with the Admiralty throughout the war to organize convoys and exchange shipping intelligence. Their efforts accelerated once American privateers began staging increasingly bold attacks on British shipping between England and Ireland. As if *True Blooded Yankee*'s brief seizure of a Scottish port and an island in the Irish Sea wasn't insult enough, Capt. Thomas Boyle of *Chasseur* declared his own blockade of English trade and had the nerve to post the notice at Lloyd's.[33] Such outrageous behavior helped raise the cost of insuring a voyage to Ireland to 13 guineas per £100, which, as the *Naval Chronicle* complained, "was three times higher than . . . when we were at war with all of Europe!"[34] If British merchant ships were at risk off their own coast, a voyage to Halifax was even more dangerous. Insurance, if available at all, started at 30 guineas per £100, or one-third over the standard premium.[35]

In the Atlantic colonies, insurance premiums did not rise as dramatically for an outward journey because several companies usually shared the cost, so insurance might cost 8 percent on three-quarters of the vessel's value in the year it was insured. Nova Scotia vessels paid about 11 percent per year with a return of 3 or 4 percent if there were no losses during the period of coverage.[36] For many years, Thomas Akins of Liverpool, Nova Scotia, had offered his clients insurance for their fishing and trading ventures. A sample of his policies for each year of the war shows rising costs for insuring coastal shipping voyages. In June 1812, the only prerequisite was "not to work against the American Government." By November 1813, for a trip to Dominica, *Polly*'s owners were to pay £2.10 per £100 for each additional island visited and return 4 percent for a "safe return and no loss on the voyage." Finally, in 1814, Akins asked for an additional premium of 1.5 percent for the schooner *Suzannah* for the same 4 percent for safe return and no loss. Interestingly, not only do the same names appear in the list of subscribers for most of Akins's policies, many of the same men, such as Snow Parker, Joseph Barss, Hallet Collins, Samuel Freeman, James DeWolf, and their relatives were the very men who invested, owned, and operated privateers out of Liverpool during the war.[37] Accustomed to sharing insurance risk among themselves, members of the Barss, Freeman, Collins, Gorham, and other families seem to have had no problem sharing the even more speculative venture of privateering.

In the same manner, American insurance costs rose according to the probability of capture. Early in the war, it was possible for American merchants to insure their licensed vessels against capture by their own cruisers, but some companies charged a premium for it, and it was probably safer not to admit to such trade. As early as December 1812, the *National Gazette and Public Ledger* referred to the

high cost of insurance. In one case, a premium was 50 percent with half to be returned if the ship arrived safely. In another, the premium was 15 percent with the insured accepting the risk of British capture. In that case, the vessel was captured and recaptured and incurred an expense of 5 to 6 percent.[38] Insuring a voyage from Boston to New York or to Eastport, Maine, cost roughly 7 to 10 percent of the value of the cargo. Charges increased to 10 percent for Philadelphia and 12 to 15 percent from Boston to the Chesapeake. Ships sailing to Savannah paid 22 to 25 percent insurance, while premiums from Boston to New Orleans reached 30 percent. As for ships to France, America's only foreign market, the premium was 30 to 50 percent. As the cost of insurance rose, it is likely that shipowners raised freight rates to help recoup their expenses. Most merchants could not afford to pay, which might explain why two hundred vessels sat idle in Boston Harbor and insurance costs climbed to 50 percent. By the end of 1814, insurance in Boston cost as much as 75 percent of a ship's value.[39]

Using court documents from cases heard by the vice-admiralty court in Halifax, it is possible to find out whether a ship was insured or not. Among the thirty-four questions in the Standing Interrogatories posed to captured crewmen was one concerning insurance.[40] Judging from the large number of unknown or negative answers recorded, it appears that the majority of owners may have decided to forego insurance and accept the risk, since only a handful of American or foreign prizes seem to have been even partially insured. Of the 155 vessels captured in 1812, only eighteen respondents knew that their vessels carried any insurance. *Maria*, a Spanish prize taken on 13 July 1812, was insured at 5 percent, while *Ceres* from Liverpool, England, to Boston in August had to pay only 2.5 percent. By mid-October, when *Reward* was taken en route to Lisbon by the privateer *General Smyth*, it was only partly insured at 20 percent.[41]

Of the 268 vessels seized in 1813, only 25 acknowledged having insurance. *Volant*, a French letter of marque bound from Bayonne to Boston was partly insured at 25 percent, but *Amanda*'s supercargo, M. Garesche, balked at the 40 percent premium demanded to insure a voyage from France to Philadelphia. In order to protect his exotic cargo of camphor, sugar, coffee, nutmeg, and "dragons blood" from Batavia to Providence, the owner of *Hope* insured himself for £60,000, but the amount of the premium is not mentioned.[42]

Of the 214 prizes adjudicated in Halifax in 1814, only 21 deponents confirmed some type of insurance. These included *Eliza*, from New York to Eastport, partly insured by a Boston company at 33 percent; *San Joaquin*, from Cuba to Newport, Rhode Island, whose insurance did not apply against British cruisers; and *Favorite*, from Calcutta to New South Wales, whose cargo of wheat and rice was

insured while the vessel was not. Only two interrogatories among the fifteen prize cases heard in 1815 mentioned insurance coverage. Several respondents stated their ship was insured at Lloyd's or at least in London, whereas two were insured at Boston, one at New York, and one in Calcutta, but the sample is far too small to offer any real perspective on the wartime insurance industry.

Lack of documentation also makes it difficult to determine the relationship between insurance rates and a merchant's decision to ship or not. Certainly, the high cost of insuring a vessel and/or its cargo would have to be weighed against the risk of loss through capture and any potential profits. By 1814, the combined tactics of blockade and convoy brought American commerce to its knees. The few privateersmen still on the prowl found the oceans nearly empty of prey. On 17 June 1814, the secretary of the navy told Commodore Isaac Hull, Director of the Portsmouth Naval Yard, that he could spare no men to protect the yard, and it was better to burn the ships on the stocks than "defend them at an expense far transcending their value." Unable to protect its own ships, America's war effort crumbled along with its economy.

STRATAGEMS OF WAR

In the cat-and-mouse game of privateering, appearances were often deliberately deceiving. Lookouts kept a steady eye on the horizon, and once a sail was seen, the chase was on. Using every trick in the book, privateers attempted to get close enough to determine whether a potential prize was friend, neutral, or foe and, if the latter, whether it could be easily "subdued, seized and taken," according to the wording of their letter of marque. Although a determined privateer might have to chase his quarry for hours, if not days, a single shot across the bow was generally enough to bring a vessel to, whereupon its colors came down to signal surrender and a party from the privateer boarded and took possession of the ship's papers; the entire process from sight to capture often took no more than half an hour.[43] An allied or neutral vessel raising no suspicions was released immediately and sent on its way. If, however, the privateer captain sensed anything amiss in terms of false papers or illegal cargo, his men could search the ship for evidence.

Appearance

British naval crews wore a sort of uniform consisting of a blue jacket, white pants, black tar pot hat, and black neck scarf,[44] while U.S. navy crews wore blue jackets buttoned loosely over waistcoats, blue bell-bottom trousers, and glazed canvas hats with stiff brims decorated with streamers and even flowers.[45] Privateers, on the other hand, obeyed no particular dress code. As one described his fellows,

"Our crew was altogether as whimsical as our schooner—Such a hatless, shoeless, shirtless, graceless, unwashed, but not unwhipped set of ragamuffins."[46]

Officers aboard some of the "better" privateers, however, affected a variant of the naval undress uniform. Samuel C. Reid, captain of the *General Armstrong* of New York, had his portrait painted in 1815 wearing a dark blue double-breasted coat with gold buttons but no epaulets, a black neckerchief, cream waistcoat, and blue trousers.[47] George Coggeshall of Boston, master of two privateers, *David Porter* and *Leo*, also described himself wearing a blue coat, black stock, and black cockade with an eagle in the middle.[48] Clearly worthy of note was an unidentified American privateer carried into Bridgetown, Barbados, in November 1812 by HM armed ship *Emma* and the schooner *Monche*. Not only were the officers wearing some sort of uniform, but all the men wore red shirts and blue caps.[49] Once, as a *ruse de guerre*, the officers of the New Brunswick privateer *Dart* disguised themselves in U.S.-style navy uniforms to lure an American prize within reach, but otherwise, as in so much else, privateers dressed to suit themselves.

Ship Design

Sloops, brigs, ships, and even rowboats carried letters of marque, but the vessels of choice were topsail schooners between fifty and one hundred tons because they could sail closest to the wind and be handled by fewer crew.[50] On the other hand, the most successful American privateers, such as *America* of Salem, *Chasseur* and *Surprise* of Baltimore, and New York's *Prince of Neufchatel*, displaced over three hundred tons and carried more than one hundred men and ten or more guns. Although only thirty-six commissions were issued to vessels between three and four hundred tons and nearly half of them took no prizes, these four vessels accounted for more than 150 prizes, nearly forty apiece.

Described by one naval historian as "oversparred, overarmed and overmanned,"[51] American privateers and blockade runners set new standards in ship design and maneuverability. The prewar development of a new sailcloth made of flax and cotton, as well as the power looms to produce it, meant that sails could be woven of cotton canvas duck that was thought to be better on the wind and cheaper than the softer, handmade flax sails used by American and British naval vessels.[52] The need for more speed and less cargo space aboard a privateer prompted the design of the rakish (albeit somewhat unstable) lines of Baltimore-built letter-of-marque schooners like *Lynx* (225 tons) and *Grecian* (229 tons). In his study, *The Search for Speed under Sail, 1700–1855*, Howard Chapelle discusses privateer ship construction during the War of 1812 and the stability issues resulting from sheer designs, inadequate ballasting once cannon were added to

the decks, oversparring, and overgunning, which led to ship losses on lee shores in blowing weather and the danger of capsizing in a gale if not carefully handled.[53] The original 1813 design of the 115-ton Salem privateer *Frolic* was deemed so unsafe that the hull was reshaped. The result was a vessel with a "roguish rake" and "wicked plundering look."[54] It made four cruises and captured a dozen prizes before being taken by HMS *Heron* in January 1814. Thanks to their design and handling, not to mention the skill of their captains, larger vessels like *Chasseur* (365 tons) and *Surprise* (302 tons) easily earned their keep, judging by the thirty or more prizes captured by each one.

Built for speed and stealth instead of show, few private armed vessels had distinctive embellishments that would easily identify them. Instead of calling attention to themselves, privateers turned being nondescript to their advantage, slyly infiltrating a convoy or slipping quietly away when necessary. The black-painted hull and lean, low profile of the *Liverpool Packet*, for example, made it almost invisible along the horizon.[55] Among the exceptions was the *America* of Salem, originally built for the East India trade in 1803 and converted to privateering in 1812. She had a full-length figurehead of an American Indian chief chased by a white dog. The *Fox* of Portsmouth had a white-painted carving of a fox on her stern, while the *General Armstrong* had a figurehead of a Roman general with two heads, and her fellow New Yorker, the *Young Teazer*, was painted black with an alligator figurehead.[56]

Because of their excellent sailing qualities, many American privateer vessels captured by the British in the first months of the war were taken into the Royal Navy. The *Portland Gazette* reported in mid-August 1812, "All the U.S. privateers taken by the British are manned and employed as tenders to their frigates," except the *Curlew*, which was at Halifax.[57] Of the privateers captured up to that point, the *Actress* of New Haven became the New Brunswick privateer *Dart*, while the *Gleaner* and revenue cutter *Commodore Barry* were drafted into provincial service for New Brunswick and Nova Scotia, respectively, and *Madison*, *Morning Star*, and *Olive* were either burnt or sunk when they were determined unsuitable for naval use. By the end of September, some twenty American privateers had been captured or lost but, as Niles's *Weekly Register* sniffed, only three of them were of any real value.[58]

Especially early in the war, ships from one side were captured by the other and turned against their former owners within a matter of weeks, often before the capture was common knowledge. In fact, eighteen of the forty New Brunswick and Nova Scotia privateers were originally American privateers, while the *Liverpool Packet* sailed under two names as an American privateer before reassuming her own name and nationality. By the time *Morgiana* was seized by the *Saratoga*

in October 1813, the same ship had been a Spanish sloop of war, a French sloop of war, and a British packet brig.[59] This interchangeability, however, made such prizes ideal decoys for cutting out convoy vessels. Sometimes Americans pretended to be British and vice versa, a ruse that was often successful, much to the chagrin of their victims. Such was the case when an inhabitant of Cape Ann mistook the Salem privateer *Grand Turk* for a British cruiser and confided to Capt. Holten Breed the names of American vessels expected into port. Breed expressed his "appreciation" by offering the man a glass of grog, heavily spiked with tartar emetic and jalap intended to cure him of his "treason."[60]

Flags

Lest there be any confusion about who was a privateer and who wasn't, British privateers were forbidden to fly any Admiralty flag or pendant. Instead, from 1739 on, they could fly only merchant shipping flags, along with "a red jack with the Union Jack described in the canton at the upper corner thereof near the staff."[61] Since most vessels of war carried several sets of flags from different nations to lure unsuspecting enemy vessels within reach, a ship's lookout often had difficulty distinguishing friend from foe, especially from a distance. This confusion was compounded by the lack of common signals between naval vessels and privateers, which saw several cases of mistaken identity resolved with a round of shot. Of course, for every Royal Navy–U.S. privateer engagement where the privateers held their own or better, there was a *Harlequin* of Portsmouth which mistook HMS *Bulwark* for a mast ship and learned the difference the hard way.[62]

Capt. Barnabas Sawyer of the eleven-ton schooner *Partridge* of Portland, Maine, went as far as staining his sails to imitate English duck, but he succeeded only in confusing a vessel full of his own countrymen and women. Seeing the white sails and assuming the *Partridge* was a British privateer, the timber schooner *Friendship* raced for safety up the George's River. The captain didn't realize his pursuer was American because Sawyer's drunken crew failed to raise their own flag during a three-hour chase in which they fired on the schooner, as well as the boat carrying the captain's terrified wife and another officer's daughter to safety. By the time the prize was taken, a crowd of well-armed local inhabitants were watching from the shore and demanding the *Friendship*'s release. The *Portsmouth Oracle* concluded, "Sawyer and his crew behaved with much impertinence, and a great deal of impudence, and appeared intoxicated, but when the friends of Capt. H. demanded the *surrender* of the brig—they were no less *cowards* than they had before been *impertinent* and *outrageous*."[63] Not only had the privateer's deception backfired, but *Friendship*'s owners would be seeking compensation.

False flags were commonly flown by both predator and prey, but, under international law, a ship had to go into battle under its own flag. When the *Rapid* of Charleston seized the *Cometa* on 26 October 1812, several privateers swore affidavits that they had seen the ship first flying a British flag, then a Spanish one, and that someone threw a package of papers overboard before she was taken. Although the mate insisted *Cometa* was a neutral Spanish ship carrying sugar, tobacco, and beeswax from Curacao to Puerto Rico, *Rapid*'s men found a British flag rolled up in a sail and a piece of paper referring to the British schooner *Swiftsure*. After hearing various witnesses, Judge William Stephens of the Georgia admiralty court felt he had to release the ship in spite of the "suspicious" destruction of papers and the presence of a British flag, which he found "improper" although in common use as a "stratagem of war."[64] Naval attempts to mislead the enemy were not generally successful. When HMS *Frolic* flew a Spanish flag to lure USS *Wasp* within range, everyone aboard *Wasp* knew that "No one but an American or an Englishman would carry sail in that fashion or bring his ship up to an enemy like that."[65] Privateers sometimes flew private flags on arrival to signal their owners that their cruise had been successful. For example, John R. Morgan, captain of the Salem privateer *Enterprize*, was instructed to fly the English ensign Union down under the bowsprit and the French flag from the topmost head on his return if he had taken anything on his first cruise to Brazil.[66] Prizeless after five months, Morgan was captured by HMS *Tenedos* and *Curlew* in May 1813 and ended up in Halifax.

As if attempts to disguise the nationality of ships and flags weren't confusing enough, at least one prizemaster had problems distinguishing one fishing port from another along the foggy Atlantic coast. In June 1814, the prizemaster for *Ceres*, taken by the privateer *Lawrence*, sailed past Portland and spent fifty fog-bound hours anchored in Shelburne, Nova Scotia. After he finally rowed ashore to find out where he was, he was hailed by a British naval vessel. Thinking quickly, he produced *Ceres*'s original British papers and claimed to have been separated from the rest of his convoy en route from Bermuda. Despite sailing into port with the British flag upside down, a universal sign of distress, the brig and its crew were allowed to leave unmolested a few days later.[67]

KEEPING THE PRIZE

As the *Ceres* case demonstrates, responsibility for the safe arrival of a prize usually fell to the prizemaster, one of the key crewmen on board privateers. Often former ship's officers or, at the least, experienced sailors, prizemasters sailed prizes home and testified to the capture under oath before the admiralty court judge. There

could be four or more prizemasters on a privateer, each entitled to more shares than their shipmates and with no particular duties on board ship until a prize was taken. They earned their extra shares sailing home with a bare-bones crew in a prize that was sometimes the worse for wear after capture and often had a hold full of desperate prisoners scheming to reclaim their ship. From the number of recaptures by enemy privateers or naval vessels, it seems that prizemasters had a more difficult job than many captains.

Between July and December 1812, before the British blockade could take hold and the provincial privateers began pulling their weight, more than two hundred American privateers and letters of marque captured roughly 350 British vessels, although as many as a third of them were subsequently lost, recaptured, or released. Baltimore fielded fifty-three of the early privateers, the largest number from any state. Massachusetts sent out fifty privateers, almost half of them from Salem and the rest from Boston, with a few from Marblehead, Gloucester, Newburyport, and Lynn. Within the first six months of war, there were thirty-eight commissions out of New York, twenty-one from Philadelphia, and seventeen from Maine; of those, eleven were from Portland, and there was one each from Kennebunk, Bath, Saco, Mt. Desert, Frankfort, and Castine. The cities of Norfolk, Charleston, and New Orleans commissioned seven privateers each, while four privateers sailed from St. Mary's, Georgia, and two from Savannah. Bristol, Providence, and Newport, Rhode Island, commissioned three, two, and one private armed vessels, respectively, while New Haven, Stonington, Middletown, and New London, Connecticut, contributed one commission apiece before January 1813.

During the same six months, sixty privateers were captured, destroyed, lost at sea, or decided to turn in their commissions, either before or after their first cruise. That privateering remained popular throughout the war, at least until the British blockade managed to put American maritime trade in a stranglehold, suggests that the shipowners, investors, and crews felt that, as long as their gains outweighed their losses, privateering was worth it. As Thomas Jefferson had suggested, privateers were in the unique position of being able to replenish their basic needs--food, armament, ammunition, or men--from among their own prizes without having to return to port and without extra cost to their owners.

For provincial privateers, Britain's reluctance to declare war merely whetted their appetite for prizemaking. Nova Scotia's first and largest private armed ship, the 623-ton *Caledonia*, obtained a letter of marque in July 1812, but it was against France and the Batavian Republic rather than the United States. With one commission and no prizes, it quickly disappeared from the record. The *General Smyth* (New Brunswick) and *Liverpool Packet* (Nova Scotia) were also commissioned in

1812 and managed to bring in twenty-five prizes between them before the end of the year. Of the forty-five privateers eventually sent out from Atlantic Canada, only the *Liverpool Packet* held commissions in 1812, 1813, and 1814, although she was captured in 1813 and sailed as an American privateer before being retaken and recommissioned from Liverpool, Nova Scotia, at the end of that year.

One successful voyage generally led to another, but only 16 of 600 American privateers (2.5 percent) managed to renew their commissions through 1812, 1813, and 1814.[68] The primary reason for so few war-long careers was Britain's double-barreled strategy of close blockade and compulsory convoy.

STRICT AND RIGOROUS BLOCKADE

On 26 December 1812, the Lords Commissioners of the Admiralty secretly ordered Sir John Borlase Warren, Admiral of the Blue and Commander of His Majesty's recently combined Halifax, Leeward Islands, and Jamaica Stations, to undertake the most "complete and vigorous Blockade of the Ports and Harbours of the Bay of the Chesapeake and of the River Delaware, and to maintain and enforce the same according to the Usages of War."[69] According to the Declaration of Armed Neutrality of 1780, which established neutral rights at sea during war, neutrals had to be advised when a blockade was imposed, since it impinged on their right to trade. Moreover, to be more than a paper blockade, all ships had to be physically prevented from entering and leaving a port. Britain, however, still needed American foodstuffs for her troops in Spain, so Warren had to ensure that licensed vessels carrying provisions from New England ports were able to get through. As a result, it was not until early February 1813 that a small fleet of about a dozen warships under admiral Sir George Cockburn entered Chesapeake Bay.[70] In October, the *Times* of London commended Warren's activities in the Chesapeake, including the capture of Kent Island, for keeping all the southern states on alert and serving as a powerful diversion for British troops in Canada.

Although Mahan maintained that because a blockade restricted the activities of both neutral and enemy vessels, it was not necessarily a military operation, stationing Royal Navy vessels at Hampton Roads was certainly a key component of Britain's naval strategy.[71] Secretary of the Treasury Albert Gallatin retaliated by ordering lighthouses along the bay to immediately extinguish their lights, literally leaving the British in the dark to deal with blockade-runners escaping through the fog-shrouded waters around Cape Henry and down the bay.[72] This may well have enabled the frigates USS *President* and *Congress* to slip past HMS *La Hogue* in the fog in May 1813, much to the mortification of *La Hogue*'s captain, Thomas Capel.[73] Expected by the Admiralty to secure two thousand miles of ragged (and

now dark) coastline without enough ships or men, Warren imposed his blockade gradually, focusing on the actively hostile central and southern states to avoid antagonizing the lukewarm New England states for as long as possible. By mid-February 1813, however, New York was hemmed in on both sides of Long Island by four or five frigates as well as a few smaller vessels that the *Salem Gazette* referred to as a "musquito fleet," cruising between Rhode Island, Block Island, and Montock (Montauk) Point at the eastern end of Long Island. Several merchant vessels, it was reported, had already been captured, condemned, and converted into tenders for HM frigates.[74]

By the end of May, the blockade had tightened around Rhode Island and extended from New York to Charleston, Port Royal, Savannah, and Mississippi.[75] Yet, as intimidating as Admiral Cockburn's frigates were, enough vessels continued to come and go with apparent ease that New Yorkers refused to acknowledge the blockade. Port entries recorded by Customs Collector Daniel Gelston indicate that thirty-nine vessels arrived in New York during the week of 12 to 20 May, mostly neutral vessels, none of which were prizes. There were fourteen from Lisbon, eight from Cadiz, eight from Cuba, five from the Caribbean, and one each from Gottenburg, Tenerife, St. Mary's, and Plymouth.[76] As late as October 1813, a vice-admiralty court case involving the Swedish brig *Hoppett*, captured 25 October by HMS *Emulous* en route from Gottenburg to Boston, contained an affidavit sworn by eighteen New York merchants asserting that neither agents for neutral shipping nor government officials had been notified that New York was under blockade. They swore "that Licenced American and Neutral Vessels have almost daily arrived here from foreign Ports, which, after having been boarded & examined by the Ships of War of his Britannic Majesty cruizing off Sandy Hook, had been suffered to enter this port." One captain had been told that the port would "soon" be blockaded, but no one knew when because no outbound ships had been halted and no one was aware of any blockade. They would, therefore, have not hesitated to send out a licensed or neutral vessel like the *Hoppett* on 16 May or later.[77]

It was not long, however, before the blockade succeeded in locking down America's public and private vessels of war and preventing merchant ships from either entering or leaving any ports along the entire eastern coast. In June 1813, the *Halifax Gazette* conveyed the news that the British blockade had been extended to all American ports south of Connecticut. Much to the chagrin of southern Democrats, Boston was spared, but the city's editorial response was tart: "But these meddlers are **reminded**, if they have **forgotten**, that **Boston-folks** have no notion of **Blockades** any more than they have of **Embargoes, Non-Intercourse**,

and **War**, and therefore beg of them in future not to trouble themselves on their account."[78]

By 1814, unable to export their goods and denied imports, New England communities began to suffer serious hardship as the blockade forced prices up and markets into decline. Those few privateers able to escape to sea faced even heavier odds against sending in prizes without having them recaptured or driven ashore by prize-hungry Royal Navy vessels. In spite of this, President Madison baldly proclaimed that the blockade was incompetent, illegal, and nothing more than a British pretext for vexing and discouraging the commerce of neutral powers with the United States.[79] Yet, by August, reports from Washington stated that only fourteen American privateers of any note were at sea; most of them had been away for the past two months, and only one prize had been sent in.[80] A Salem paper corroborated this, observing that there had not been a single privateer from that port for some time and "the business is at a stand." The constant vigilance of Royal Navy blockading vessels deprived many privateers of hard-won prizes, including three of *Paul Jones*' nine prizes. Two more were wrecked, one ransomed, and one given up as a cartel to carry prisoners from other prizes back to port. In June 1813, John Price of Wells, Massachusetts, was fretting about the impact of the blockade. "When it will end God only knows," he wrote to his brother, "but if not shortly, the difficulties we shall have to encounter will become insupportable . . . Provisions of every kind are remarkably scarce and dear."[81] Like a tourniquet, the blockade slowly squeezed the American economy to a trickle as customs revenues plunged from $13.3 million in 1812 to $4.6 million in 1814, and tonnages in U.S. foreign trade dropped from 708,000 to 60,000 tons in the same period.[82]

LONG-RANGE PRIVATEERING

Instead of trying to sail their prizes home through the gauntlet of British naval vessels and privateers, several large American privateers moved their operations across the ocean, boldly seizing prizes, a port, and even an island right under Britain's nose. In November 1812, the French government agreed to admit prizes taken by American vessels into their ports "on the same footing as if captured by the French."[83] Privateers such as *Fox* (Portsmouth), *Scourge* (New York), and *Rattlesnake* (Philadelphia) eagerly took advantage of such ports, sending dozens of vessels into prize courts in Trondheim and Bergen in Norway, and Brest, Roscoff, Abreveche, and elsewhere in France, where virtually all of them were condemned. One of the most successful privateers, the *True Blooded Yankee*, was a former British gun brig that carried a letter of marque from New London, Connecticut, but was actually fitted out by Henry Preble, an American living

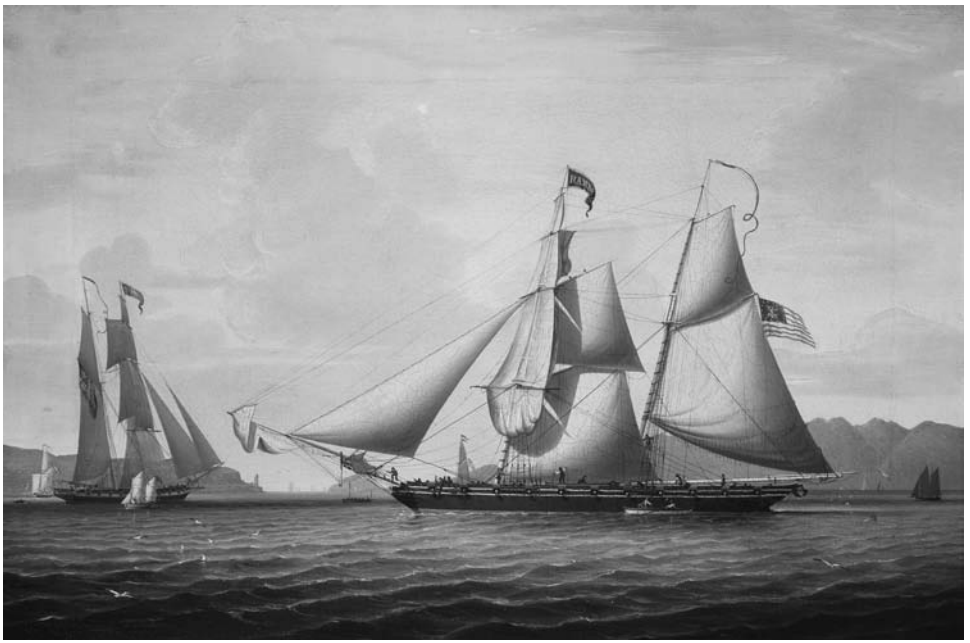
in Brest. On his first cruise, Capt. Simeon Haley sent at least ten prizes and 270 prisoners of war into French or Norwegian ports. His cargoes reflected the rich pickings beyond America's blockaded shores, including 18 bales Turkey carpets, 43 bales of raw silk weighing 12,000 pounds, 20 boxes gums, 46 packs of the best skins, 24 packs beaver skins, 160 dozen swan skins, 190 hides, copper, and other valuable goods.[84]

By war's end, privateers like the *Young Wasp* had to log thousands of sea miles to find any prizes. Steering *Young Wasp* home in May 1815 from her second cruise, Capt. Lemuel Hawley had sailed for 170 days and nearly 30,000 miles from Philadelphia to England, along the coast of Spain, the Western Islands, St. Helena, and the Cape of Good Hope before arriving home.[85] In that time, he had taken twelve prizes, but, with two recaptured and five released as not worth sending in, only five prizes made it to port.

The ultimate long-range privateers were three letter-of-marque vessels sent to Canton in 1814 by the Boston firm of John and Thomas H. Perkins, along with several others involved in the China trade. Shortly after the Chinese opened the port of Canton to foreign trade in 1785, the Perkins brothers' firm was among the first Boston merchants to take the risk. By 1803, they had established Perkins & Co. in Canton and developed a commercial route from Boston to the Pacific Northwest, where goods were traded for furs, which were sold to the Chinese and exchanged for tea, silk, spices, and other high-value commodities.[86] So lucrative was the trade that the Perkins brothers were millionaires by the time the War of 1812 was declared, and they could afford to send out well-armed, well-manned ships to take advantage of whatever economic opportunities presented themselves, whether commerce or capture.

In January 1814, as American coastal traffic dwindled to nothing, the *Jacob Jones* (Capt. John Robbarts), a 555-ton ship; *Rambler* (Capt. Samuel Edes), a 300-ton brig; and the *Tamahamaha* (Capt. Lemuel Porter), a 186-ton schooner, departed Boston on an eleven-month round-trip voyage to China.[87] In a letter to their Canton agents, dated 1 January 1814, Thomas Perkins explained the profits such ships could make on their way home. A cargo purchased for $30,000 in China was worth three times as much on the South American market. If half of that $90,000 was used to buy copper, it could be sold for twice as much in Boston, thus earning $135,000 for an initial outlay of $30,000.[88] And that was without capturing any prizes.

Described as a "war-built" vessel and a swift sailor, the large *Jacob Jones* was able to obtain insurance at 50 percent, "whereas vessels built before the war cannot be insured at 75%."[89] Twice the size of the Rhode Island brig *Rambler* (Capt.



The Boston Letter of Marque Trader Rambler in the Pearl River, China
The letter of marque *Rambler* of Boston, owned by merchants John and Thomas H. Perkins, returned from Canton in May 1815 with several prizes and a cargo of exotic teas, silks, and oriental trade goods. Privateer *Rambler* in the Pearl River, China. Oil, unsigned. (*Source*: Photograph courtesy of the Peabody Essex Museum, PEM1537.)

Joshua Appleby), Boston's *Rambler* was able to capture much larger prey, such as the 333-ton *Morely*, a British transport en route from Algoa Bay to the Cape of Good Hope. In ballast and not worth taking into port, *Morely* was divested of any valuables and released, as was *Rambler*'s next prize, the brig *Madeira*, which was relieved of seventy-five casks of wine. Captain Edes's next prize was the sixteen-gun *Arabella* of Calcutta, carrying five chests of opium, sixteen bales of Madras goods, twenty-five boxes of medicines, and other items. This prize *Rambler* sent into the port of Macao, where it was seized by the supposedly neutral Portuguese and given to the British before eventually being driven ashore and lost. Captain Edes was furious and demanded that the Portuguese government reimburse him the full amount for which the cargo was insured at Calcutta.[90] *Jacob Jones*'s one encounter on her outward passage with the British ship *Hannah* from London to Bombay was less successful. After losing one man and expending nearly all her shot in a fierce three-and-a-half-hour action, *Jacob Jones* wisely withdrew.

By the time the three vessels reached China, so had the British blockade. Since China refused to allow Royal Navy ships access to the neutral port of Whampoa, upriver from Canton, Britain asked that American vessels be refused as well. As the Chinese shrewdly pointed out, American ships conducted trade while the navy did not, although, if warships wished to carry cargoes, then they, too, could ascend the river.[91] Unwilling to go that far, a couple of British ships patrolled the mouth of the river instead, ensuring that whatever American merchant vessels were anchored at Whampoa stayed there. Unintimidated, *Jacob Jones*, *Rambler*, and *Tamahamaha*, their holds full of valuable China goods, such as tea, alum, spices, opium, china, silk, and ribbons, prepared to slip downriver past the British men of war and at least twenty armed East Indiamen. After cautioning their less well-armed compatriots to stay where they were until they had reliable news of peace, all three sailed for Boston at nightfall.[92] *Rambler* accidentally lost an anchor and some rigging running through fish stakes set in the darkened water, but, despite a lot of shouting and shooting of guns and rockets, the British did not actually attempt to stop them.

On the 108-day return trip, the *Jacob Jones* managed to capture two Canton-bound ships from Panang worth roughly $90,000; after divesting *Bourwan* and *Adele* of their cargoes of gold dust and opium, the letter of marque continued home. By the time the three vessels reached Boston in May 1815, the war was over and thanks to high postwar prices, the Perkins brothers turned a handsome profit. The *Boston Patriot* of 13 May 1815 advertised the sale of the "elegant and remarkably fast sailing" schooner *Tamahamaha*, "one voyage to Canton and back"; on 17 May, the same paper stated that "J. & T. H. Perkins" were preparing to auction assorted silks, ribbons, and fabrics from all three vessels at 31 India Street. Ten days later, the residual cargo from *Jacob Jones*, consisting of 2,100 chests of souchong tea, 918 chests Hyson skin tea, 400 piculs of alum, and a quantity of cassia and "tutenque" (tutenague) were being offered to buyers via the *Boston Patriot*.[93]

Apart from the few privateers that were either large or powerful enough to become transoceanic predators, most letter-of-marque vessels could only watch their prospects wither along with the rest of the U.S. economy. By sharply restricting access to staples like flour and sugar, the blockade forced prices up while simultaneously increasing the risk of capture, thus pushing insurance rates even higher than prices. Within six months, for example, the cost of insuring a voyage from Boston to New Orleans had risen 30 percent.[94] This increase would explain why, by 1813, only five American and thirty-nine neutral vessels cleared from Boston to foreign ports the entire year.[95]

Britain's blockade strategy prompted either bust or boom. For example, once

the blockade reached New Orleans in June 1813, an apparent glut of eight thousand barrels of flour dropped the price to "nominally nothing" with not a boatload sold since June 11.[96] A year later, when a British ship mistakenly sailed into Mobile Bay with seven hundred barrels of flour destined for British forces at Pensacola, the capture made the Georgia papers.[97] Flour that had sold for $4.50 per barrel in Richmond, Virginia, before the blockade cost buyers in Norfolk $10.50 per barrel by January. A hundredweight of brown sugar cost $26.50 in Baltimore but only $18.75 in Boston.[98] Even a Russian negotiator, writing to Admiral Warren in April 1813, realized that there could be no discussion of an armistice unless Britain raised the blockade, "since the latter does them more harm than all the hostilities!"[99]

THE "MUD-CLIPPER" TRADE

Between June 1812 and October 1813, Atlantic Canada–based privateers sent 124 prizes for adjudication by the Halifax Court of Vice-Admiralty, with cargoes ranging from fish and lumber to specie, as well as naval stores and rum destined for General Henry Dearborn's army. During the same fifteen months, the Royal Navy sent in more than three hundred additional prizes. The loss of all of these ships, cargoes, and men, compounded by Britain's ever-tightening blockade, forced American merchants to look for a more reliable way of reaching their markets.

Thus began a "mud-clipper" trade, where horse- or ox-drawn wagons took to the often execrable roads of the period in an effort to keep on trading. While land hauling had certain advantages, for example, as one humorist phrased it, "Saw none of his majesty's cruisers on the voyage and found the road free from gun boats, custom house officers, navy orders, and all other obstructions to wagon enterprise," it took up to ten times longer and, according to one estimate, cost a hundred times more. And that was only if enough wagons could be found to carry the goods.[100] Compared to a merchant vessel that could be cheaply manned by relatives and ship's boys and freely powered by wind, land travel meant buying feed for the horses or oxen, hiring a wagoner or two, renting accommodation en route, and paying a number of men (none of whom was likely to work for shares) to load and unload goods at every delivery point. A cargo that would have taken several days for a coaster with a two- or three-man crew to sail from Baltimore to Bristol, Rhode Island, took two wagons, four oxen, one horse, one man, and a boy twenty-five days; a similar journey from Charleston to Boston took sixty days.[101] When H. Toler of Portland, Maine, enquired about shipping eighty packages of goods to New York in October 1813, he was told that, since the roads were so bad, wagons could only carry 3,300 pounds of freight apiece instead of the usual 4,000

pounds, so he would need five wagons with four horses each at a cost of ten cents per pound or $1,600.[102]

That merchants even contemplated such a costly and cumbersome method of transportation is a measure of their desperation. But it was clearly worth it. As the *Trenton True American* reported in November 1813, "It is calculated that as many as fifteen hundred teams were last week employed in the transportation business between the Delaware and Raritan, many of them three, four, and five horse teams . . . The amount of money brought into and distributed through the state by the transportation of produce and merchandize through it, is almost incalculable."[103] What was not calculated was the damage the wagon trains did to the roadways and the stagecoaches and passenger traffic they disrupted. Nevertheless, the *Salem Gazette*, *Boston Repertory*, and other newspapers tried to see the humorous side, publishing a regular companion to the shipping news entitled "Horse-Marine Ship News" or the "Horse and Ox-Marine List." A typical tongue-in-cheek entry read: "HORSE MARINE NEWS–large fleet of Jefferson's land ships east from New Haven in ballast, "log" of pilot boat-built *Gig Scramble*, collision with lost step; Sunday, boarded by government cutter called *Tything Man* who put prizemaster on board and ordered us for the first Tavern–There, notwithstanding the knowledge that Free Gigs make Free Passengers, detained till midnight until released by paying the bill.–Spoke a drunken sailor lying to under the lee of a board fence."[104]

Reports of attempts to stop smuggling by the customhouse "schooner *Pimp*," a case of "land piracy" where a passenger stole $1,200 from the captain's trunk, fines for breach of the Sabbath, a narrow escape from the "cutter" *Tollman* on the Scarborough turnpike, and a headline proclaiming "Free Trade and Teamsters' Rights" were humorous attempts to lift sagging American spirits. Even "logs" were printed, offering a flavor of the trade:

> SALEM, Nov. 22. A gentleman passed through this town on Wednesday evening from the Eastward was passenger from Bath to Portland in the ship *Constitution*, Ricker, drawn by 4 white horses, and handed us the following extract from her log-book:–At half past 10, a.m. left port with a stiff N.E. breeze, cloudy, with some light snow. At 11, two miles W. of Bath, spoke the *Witchcraft*, from Salem, with an American burgee flying forward, in co. with the *Gerrymander*, each drawn by two horses, and bound in with live stock for the privateer ship *America*. Several down with the rum fever. Made sail, and proceeded on our cruise. At half past 2 p.m. came to anchor in Freeport, for refreshment and repairs, at Capt. Jennings' castle; he informs us the *Witchcraft* and *Gerrymander*

> touched there the day before, and the crews stole the steel from his table. At 4, got under way again, wind N. and proceeded on our course West. At 6, spoke a 2-horse wagon, bound to Portland, with a full cargo; blowing fresh, could not understand the captain's name. At 7, came to anchor in Paine's Cove, hauled into dock and discharged all hands.

By 1814, such attempts at levity could no longer disguise the economic impact of the blockade, especially when combined with Britain's imposition of compulsory convoy.

COMPULSORY CONVOY

The convoy system was Parliament's response to demands for protection by merchants and insurers dating back to the fourteenth century.[105] Evolved over time as a counter to piracy and privateering, by 1812 convoys offered safe, reliable voyages, albeit at a price and usually at the expense of speed. Although many chafed under the regulations, the convoy system effectively frustrated all but the most determined privateers.

Royal Navy vessels assigned to escort merchant shipping to and from English ports worked hand-in-hand with the blockaders, offering support and sharing intelligence. A convoy escort usually consisted of at least one ship of the line, one or two frigates, and some faster sloops. While the warships protected the fleet, smaller vessels rounded up strays and chased away enemy privateers snapping at their heels. From 1808 until 1814, the Compulsory Convoy Act strictly regulated British shipping.[106] Many merchants resented the imposition, not to mention the cost, of convoying; however, failure to participate was not only illegal but also invalidated the insurance of any vessels foolhardy enough to be captured while sailing alone. By 1809, six annual convoys regularly escorted hundreds of vessels from Halifax to England and Europe between April and November with similar convoy sailings from England for the Mediterranean, South America, and the East and West Indies between December and May. With the declaration of war in June 1812 and the immediate frenzy of prizemaking by hordes of American privateers, it was not long before the Admiralty ordered all shipping from Britain to North America or the West Indies to proceed under convoy.[107] Two weeks later, a similar proclamation by Lieutenant Governor Sherbrooke forbade any vessels to leave Nova Scotia without the protection of a convoy.

Even neutral vessels, which should have been exempt from attack under international law, occasionally sought the safety of a convoy. In the case of the Swedish-registered schooner *Mary*, joining a British convoy from the Jamaica Station was a way of saving "double the insurance" for her British investors. When the admi-

ral failed to provide the promised escort, however, *Mary* set off with a cargo of sugar from Cape Henry, Haiti, to Boston with several other vessels, falling into the hands of HMS *Sylph* in September 1813. Since *Mary* had originally been U.S. owned, the prize was considered a recapture, and two-thirds of the value of the ship and cargo was awarded to the captors.[108]

Convoys tended to be most vulnerable at the end of a voyage. Typically, captains of faster vessels resented having to keep pace with older, slower ones and frequently ignored or disobeyed the convoy commander's orders. Anxious to reach port ahead of their competitors and secure the best prices for their goods, many would try to desert the convoy once it got close to land, exposing themselves to bad weather, fog, and any enemy ships lurking in wait for them.[109] The Admiralty tried to discourage this practice by imposing heavy fines for leaving a convoy, but potential profits inevitably overruled caution.[110] Winter convoys were particularly difficult to manage, since wind and weather combined to disperse even the best-behaved vessels. A letter from a Lloyd's insurance agent at Halifax in December 1814 describes the dangers of crossing Passamaquoddy Bay in winter, where ships leaving Halifax in convoy were soon separated before they were halfway to their destination and liable to attack by armed boats from the American side.[111]

Although the presence of heavily armed convoy escorts was an effective deterrent and certainly reduced the number of British ships captured during the War of 1812, the system had several serious flaws. First, dates and convoy gathering points were always known well in advance. The more bureaucratic the system became, the more predictable, so that privateers were often better informed about seasonal sailings than the Royal Navy. British newspapers did not attempt to keep such information secret because they had no other way of advising local merchants and shippers of upcoming departures. The dates of convoy sailings along with other British marine news were then republished in American papers for all to read. In London, for example, in August 1814, the *Times* cheerfully announced the arrival of "upwards of 2,000 recruits" at Portsmouth who would be embarked swiftly "under convoy of the *Liffey*, for the Chesapeake," along with one thousand tons of military stores and clothing.[112] By then, the war was virtually over, and the recruits, cargo, and the fifty-gun HMS *Liffey* arrived safely in Halifax. Less lucky was the brig *Samuel & Sarah,* one of seven transports carrying 1,100 troops from Barbados to Quebec under convoy by HMS *Minerva*. Unable to spare men for a prize crew, Capt. John Porter of USS *Essex* had to let her go, although not without removing all the small arms and ammunition, paroling the crew to prevent them from serving again during the war, and ransoming the ship for $14,000.[113]

Second, since all shipping was legally obliged to sail under convoy, the Royal

Navy was constantly short of escort vessels or "bulldogs" to monitor the fleet.[114] After a few days at sea, slower, unseaworthy, or more heavily laden vessels inevitably fell behind, often becoming separated from the main body of the convoy in fog or foul weather. While one of the "bulldogs" was off searching for the missing ship, one or more privateers, which might have been stalking the convoy for days, would make their move. Not unlike German submarine "wolf packs" of the Second World War, one privateer would attempt to draw off a guard ship, while another slipped in to take a prize, usually under cover of darkness. In July 1812, five small privateers, *Argus* (22 tons) and *Friendship* (22 tons) of Boston, *Lion* (33 tons) of Marblehead, and two Salem vessels, *Fair Trader* (29 tons) and *Jefferson* (22 tons), attempted to intercept a twenty-ship convoy in the Bay of Fundy. HMS *Indian* and *Plumper* arrived just in time to turn the predators into prey, and only the *Lion* and *Jefferson* were lucky enough to escape--empty-handed.[115] In late December 1814, the *Jefferson* (4 guns) once again joined a cutting-out action against a convoy under the protection of HMS *Rifleman* (4), *Pelter* (16), and *Landrail* (4). In company with the *Cumberland* (111 tons, 4 guns) of Portland, *Fame* (58 tons, 4 guns) of Thomastown, *Cadet* (47 tons, 4 guns) of Salem, and the *Charles Stewart* (66 tons, 10 guns) of Boston, the privateers outgunned the British twenty-six to twenty-four. They chased *Pelter* into harbor but had to retire when British reinforcements arrived.

The third problem with convoys, especially for Admiral Warren at Halifax, was the way they temporarily reduced his provincial defenses. He was constantly pleading for replacement vessels from an unsympathetic admiralty, which was, in turn, loudly criticized for any losses suffered by commercial interests at home and in the West Indies. In February 1813, First Secretary of the Admiralty John Croker admonished Warren for his demands when he already had more vessels on station than the small American navy would seem to warrant. Clearly, he claimed, Warren had either grossly exaggerated the number of privateers or had left the principal American ports so poorly guarded that hundreds of these ships were able to escape the blockade unmolested. As far as the threat to trade was concerned, Croker reiterated, "The only measures which with any attention to economy, and any reasonable prospect of success can be opposed to the enemy's privateering system, are those of blockading their Ports, and of not permitting our Trade to proceed without protection." While he was at it, Warren was also expected to meet Britain's strategic objectives of eliminating the American navy and neutralizing the privateer threat.[116]

Among the few exceptions to the convoy rule were "running ships," a class of large, heavily armed, well-sailed merchant vessels carrying large crews and valu-

able cargoes which only a privateer of equal strength dared challenge.[117] Otherwise, most unescorted vessels were merchants unable or unwilling to pay higher wartime insurance rates who dared to sail on their own, hoping that a fast ship and false colors would help them evade capture. By keeping shipping together, the convoy system reduced the number of targets available and made them harder for marauding American ships of war to seize. On the other hand, once privateers were forced to move their hunting grounds from American to British coastal waters, Britain had to beef up the convoys to and from her own ports. By 1814, however, privateers had no choice but to divest their prizes of the most valuable cargoes and either destroy them or give them up as cartels for their crews. Compared to the 16 out of 190 prizes destroyed by their American captors between 12 June and 26 September 1812 (8%), 67 of 170 prizes taken between 25 June and 29 October 1814 (39%) were burned or sunk. The combination of blockade and convoy drove prize numbers down, and the loss of prisoners of war for exchange purposes and the destruction of ships and guns that could have been auctioned or redeployed further reduced the incentive for privateering.

The success of Britain's convoy policy was somewhat offset by the boldness of American attacks in British waters. Their audacity outraged politicians, angered merchants, and frightened citizens. Typical of the public clamor to end the war was a meeting of merchants, shipowners, and others at Liverpool, England, on 9 September 1814. Niles's *Register* reported that they met to consider a representation to government on the subject of the American captures. When Mr. Gladstone proposed an address to the lords of the Admiralty, the idea was rejected because "representation had been made to that department without success." Instead, the meeting proposed an address to the prince regent censuring the Admiralty for its failure to protect trade. A similar dissatisfaction spread across the United States as people saw their navy trapped in port, trade stifled, and the economy sinking into chaos. Once the combined economic pressure of blockade and convoy raised the stakes too high, the American war effort folded.

WIN, LOSE, OR DRAW?

A comparison of American and British colonial privateering is somewhat lopsided, given the differences in scale and reach between the two. The number of private armed vessels, approximately 600 American to 40 provincial, means an equally disparate number of captures, perhaps 1,850 as compared to 200. Bearing in mind that at least half of the privateers and letter-of-marque vessels took no prizes and that only about a third of all prizes ever made it to court, the success rates are further reduced. For example, 254 American letters of marque actually brought

TABLE 1.1
Privateers by Place of Origin

Origin of American Privateers	Number of American Privateers	Origin of British Privateers	Number of British Privateers
Massachusetts	140	Nova Scotia	29
Maryland	126	New Brunswick	11
New York	107	United Kingdom	2
Maine	78	Barbados	1
Pennsylvania	41	Castine (1814)	1
South Carolina	27	Port unknown	1
Rhode Island	22		
New Hampshire	18		
Connecticut	18		
Louisiana	15		
Virginia	14		
Georgia	14		
North Carolina	4		
New Jersey	2		
France	3		
Port unknown	9		
Total	638	Total	45

Note: More than 600 private armed vessels from every American state but Delaware carried letters of marque during the War of 1812. Although not yet a state, Maine is identified as a separate entity. Vermont and New York issued letters of marque for use in Lake Champlain, the St. Lawrence River, and Lake Ontario, but they are not included in this table. British private armed vessels were mostly owned by Atlantic Canadian interests, with several investors from Britain and Barbados. When Castine was captured by the British, at least one privateer changed flags.

in about 900 prizes, while 23 provincial privateers took 212 to court.[118] If these numbers are averaged out, the American privateers captured 3.5 prizes apiece, while the New Brunswickers and Nova Scotians averaged nine each. Yet the Atlantic privateers were not really three times more successful, since they tended to capture smaller, less valuable prizes and dispose of them at lower profits than the Americans. In fact, the strategic effect of privateer activity on both sides was probably similar–scarcely a pinprick compared to the effect of the blockade. Like their American neighbors, residents of Halifax and St. John also complained of scarcities and the high cost of staples like flour and coffee. But with fewer ships at sea, American trade suffered proportionately higher losses, in spite of all the prizes they captured, than did Britain's vast merchant fleet.

The success of the blockade in suppressing trade can be measured by the speed with which the U.S. economy rebounded once the war ended and shipping was resumed. In contrast to the five American vessels that cleared Boston in all

of 1813, by March 1815, less than a month after news of peace reached Boston, 144 vessels had sailed from that port, all but 26 to foreign destinations. Such increased traffic dramatically boosted port receipts, and even the number of fishing licenses tripled from 16,453 in 1814 to 48,147 in 1816.[119] Net U.S. freight earnings rose ten times from $2.6 million in 1814 to $20.6 million in 1815. In Boston, sugar prices dropped from $22.50 per hundredweight in October 1814 to $15 per hundredweight in February 1815, as other staple commodities followed suit. [120]

Private armed vessels not only took advantage of a war that few wanted, they made the most of it, at least during the first year or so, before the British blockade took hold and convoys further reduced access to prizes. Operating on their own for their own benefit, privateer efforts were more aggravating than strategic, but they affected the overall war effort nonetheless. The capture of British mail packets and transport vessels, for example, undermined the naval and defensive administration of the colonies and created political and logistical problems for the government back in Britain. American privateers embraced new developments in ship design to wreak havoc on British trade, first at home and then abroad, raising the cost of insurance to prohibitive heights. Meanwhile, the British blockade gradually sealed both naval and private armed vessels into port and forced America's carrying trade into wagons. A letter published in the *Nova Scotia Royal Gazette* in 1813 compared Baltimore to a "besieged city" with "the price of everything almost doubled, and our supplies by water totally cut off!"[121]

No matter where it was registered, every captured ship or cargo represented an economic loss to one or more owners and investors, crews denied their liberty, consumers deprived of necessities, and insurers forced to recoup their losses at the expense of future voyages. The widespread hardship and annoyance generated by private armed warfare may have helped promote an end to the war, but it was the British blockade that ultimately decided the maritime War of 1812 by causing "material losses to the American people a hundred times greater than the American Navy and privateers were able to inflict upon Great Britain during the entire war."[122]

CHAPTER 2

"True, Publick and Notorious"

It seems to me it's clear
That if you want to hang him
You must catch your privateer.
—*Edward Everett Hall,* The Yankee Privateer

During the War of 1812, at least 100,000 Americans and probably 1,500 inhabitants of the maritime provinces of Nova Scotia and New Brunswick participated in privateering as seamen and officers, and many hundreds more participated as owners and one-time or multiple investors.[1] For example, in the small fishing community of Marblehead, Massachusetts, an estimated one thousand out of its five thousand inhabitants actively participated in the War of 1812: 726 in privateers, 120 in the U.S. Navy, 57 in the army, and 100 in the Marblehead Light Infantry.[2] Most of these men from Marblehead's seafaring community had their livelihoods threatened by the unpopular war. Privateering offered a legal alternative to their regular fishing, sailing, or trading activities, with the added incentive of prize money at the end of a successful cruise.

As defined by law, a privateer was a privately owned vessel, fitted out and equipped at the owners' expense. It was specifically commissioned by a letter of marque and reprisal to attack and seize enemy vessels and property. This license was also intended to prevent neutral nations from trading illicitly with the enemy.[3] Also known as privateers, the men who crewed these ships usually worked for shares rather than wages and were keen participants in the prize game.

Privateering could take two forms. The letter-of-marque version saw a merchant obtain a commission, take on a cargo and hire extra crew for wages. Trade was the main objective, but if a prizemaking opportunity arose, the ship was

prepared. The alternative was a vessel outfitted solely for commerce raiding. This involved arming the ship with as many guns as it could handle, signing on a large crew, and setting off to capture as many enemy prizes as possible. Letter-of-marque ships voyaged from one port to another, but privateer vessels cruised for several months at a stretch, demanding a greater investment of time and money. One successful voyage usually prompted another, while failure to secure a prize often marked the end of a privateer's career. Determining whether a vessel was operating purely as a privateer or as a letter of marque is not always easy, but extra crew, heavier guns, and longer periods at sea generally indicate a privateer.

As a weapon, privateering played both a defensive and an offensive role, protecting a nation's commerce from enemy attack while denying the enemy access to foreign trade. Each step in the process–from identifying a potential prize to capturing it and carrying it safely into port–was prescribed by international law. Once a prize reached port, the prize-court process began. If the prize had been properly taken and its papers were determined to be "true, publick and notorious," according to the American libel document, the prize would be condemned and the vessel and cargo sold.[4] After the officers of the court and other related costs had been paid, the proceeds would then be shared, half going to the owners and investors who had put up the money for the ship, and half to the officers and crew who seized the prize.

Unlike naval service, privateering was not a career choice. It could only be activated by a declaration of war, and people participated voluntarily for as long as either their enthusiasm or the war lasted. Some deserted before the first shot was fired, and others retired after a single cruise. But there were also men who served on several ships, successfully working their way up from crewmembers to prizemasters, to captains, and even to shareholders or shipowners in their own right. During the War of 1812, American and provincial prizemaking looked remarkably similar, since both were descended from the same British legal system, and, despite the upheaval of the American Revolution, U.S. admiralty court procedure remained basically unchanged.

Occasionally dismissed by its opponents as nothing more than legalized piracy, privateering, at least as practiced by most of the British and American combatants in the War of 1812, was a legally regulated response by private individuals to a difficult, albeit temporary, economic situation. Of course, there were abuses, and many outraged victims on either side called their captors "pirates." But were they? No. This chapter highlights the legal aspects of privateering that molded and monitored both sides.

THE ORIGINS OF PRIVATEERING

The roots of private armed warfare run almost as deep as seafaring itself, but it was during the Middle Ages that privateering emerged as a national response to generalized lawlessness at sea. In the absence of state navies in the thirteenth and fourteenth centuries, pirates preyed upon ships of their own or other nations with impunity. Undoubtedly, some seizures may have been at the instigation of rival monarchs, but most attacks were simply "tolerated" or ignored.[5] Frequently unable to control their subjects on land, most sovereigns could not hope to exert their influence once mariners were out of sight at sea. In fact, until the late fourteenth century, seaborne crimes, including robbery and murder, were considered no worse than similar crimes on land and certainly not worth going to war over.[6]

Eventually unable to ignore the protests and petitions from wealthy merchants, medieval English jurists adapted a solution similar to that used to regulate cross-border crime on land. Under English law, any merchant suffering a loss of property at sea at the hands of pirates or foreign predators during peacetime could petition the Crown for a letter of marque and reprisal. This license entitled him to recoup his losses without fear of embroiling his sovereign in a war. Such a private reprisal applied only to ships of the offending nation and entitled the holder to take no more than the value of his original loss.[7] Designed to keep retaliation on a personal level, letters of marque avoided the diplomatic and political ramifications of uncontrolled conflict on the high seas while safeguarding international trade. This restraint on potential conflict was especially vital at the time because the absence of state-controlled tax systems meant that European rulers relied almost exclusively on taxes and excise duties on trade goods to finance their administrations. Disruption of trade and the income it provided was to be avoided at all costs. From 1200 on, maritime nations like Italy, France, Belgium, members of the Northern European Hanseatic League, and England began to codify their shipping laws and to regulate everything from wages and freight rates to maintaining lights on board a ship when docked to keeping a ship's cat.[8]

The development of English admiralty law reflected the steady expansion of diplomatic relations, mercantile agreements, and international treaties beyond the English Channel. While English common law focused on civil and criminal issues within the realm, admiralty law addressed legal issues below the high-water mark. The cases were mainly commercial disputes over maritime freight rates, insurance, contracts, wages, wrecks, insurance, and piracy. In time of war, however, the king allowed general reprisals against enemy shipping. As soon as war was declared, all ships and cargoes at sea or in port were determined to belong

to friend, foe, or neutral, and were confiscated or released accordingly. Given the length of time it took for information to travel from port to port in the Middle Ages, deciding whether a seizure of property was piratical or a legitimate wartime capture, and when it became so, was critical to both sides; hence, the need for an impartial judicial tribunal to decide such issues.

Early attempts to manage private warfare met with mixed success. In 1242, for example, Henry III issued general reprisals against France to merchants of the Cinq Ports. Their enthusiastic support of the war effort forced Henry to hang thirty of them to regain control.[9] The first extant letter of marque, issued in 1295 to a merchant in Bayonne, France, contained regulations regarding prize shares, ransom of prisoners, and court fees, all of which were eventually incorporated into subsequent prize acts.[10] By the fifteenth century, Germany, France, Spain, and England had passed laws forbidding any attacks on enemy property without a letter of marque, even during war. By then, it was common practice for governments to supplement their own forces with private ships volunteered by their owners in return for a share of the profits.[11] Although it was not yet called privateering, the practice was taking shape.

THE RISE OF PRIZE LAW

Maritime commerce was the lifeblood of the English nation, and even in the Middle Ages, speed and efficiency were as important as justice when dealing with seafaring disputes. As early as 1296, there is a reference to an English admiral, a person appointed by the king to enforce the customary law of the sea.[12] The word *admiral* comes from the Arabic *amir-al-bahr,* meaning commander of the sea, although the concept was borrowed from the Mediterranean nations. In 1360, even though England did not yet have a navy, Sir John Beauchamp was appointed the first high admiral. His authority was more judicial than nautical, however, making him "the guardian of public and private rights at sea and in ports." His job was to work alone or with others commissioned by the Crown to investigate, report, and redress maritime grievances.[13]

From its earliest days, British admiralty law was administered with one eye on the law and the other on the sea. Cases were handled as expeditiously as possible, sometimes within the rise and fall of the tide, and merchants soon preferred admiralty procedure to the slower, less frequent deliberations of common law courts. Despite some early jurisdictional battles with common law practitioners and local port courts, the rights of the admiralty court over piracy and prize, especially during war, were rarely questioned. According to the *Black Book of the Admiralty* (*Liber Niger Admiralitatis*), dating to the early fifteenth century, when a privately

owned ship in the service of the king captured a prize, the king and the owners shared half the proceeds, and the captain and crew received the rest in the form of shares of varying amounts. The admiral received one or two shares of every prize, depending on whether he was present at the capture or not.[14] Needless to say, both the admiral and the Crown kept a close eye on the disposition of prizes.

Under the Tudors (1485–1603), the creation of a Royal Navy contributed to the enforcement of maritime law, while the administrative infrastructure it begot freed the High Court of Admiralty to concentrate on legal matters surrounding naval policy, maritime customs, and prize that the common law was not equipped to handle.[15] Even though closely associated with the Crown through their jurisdiction over the royal prerogatives of war and property, the early admiralty practitioners strove to remain impartial when applying the international law of nations. This became increasingly difficult after Elizabeth I ascended the throne in 1558. It is no coincidence that privateering and piracy increased exponentially during her reign, with little to distinguish the one from the other.

By one estimate, within her first five years, Elizabeth had commissioned at least four hundred privateers.[16] When England went to war with Spain in 1585, private armed warfare became a national industry, with one historian suggesting that virtually every voyage to the West Indies between 1588 and 1595 was a privateering venture.[17] Some semblance of control was maintained by requiring privateers to post a bond for good behavior and to ensure that they brought their prizes back to England for adjudication. Even wealthy adventurers like John Hawkins, Francis Drake, and Walter Raleigh must have found the enormous cost of a £1,000 bond a deterrent to misbehavior.[18] In a further attempt to curb the worst excesses, privateers had to defend their actions in admiralty court and were forbidden to tamper with the cargo, an offense known as "breaking bulk." Additional efforts to reinforce the rights of captured vessels under international law followed. To substantiate their prize claims, privateers were obliged to bring back at least one member of a captured crew to answer a series of questions regarding their conduct.[19] This practice cannot have resolved the abuse entirely, since a new law was passed in 1666 prohibiting English privateers from killing or maiming captive crews in cold blood.[20]

Sir Leoline Jenkins, a judge in the High Court of Admiralty from 1668 to 1685 is considered one of the fathers of English prize law.[21] He is credited with the first use of the term *privateer* to describe letter-of-marque ships specifically outfitted for raiding. His prize decisions established some key principles of international law regarding the right of neutrals to trade with the enemy, except when it involved running a blockade or transporting weapons or other contraband of war.

Jenkins argued that "a friend's ship could not be confiscated because it carried enemy goods; but that an enemy ship made enemy goods."[22] He also defended privateers from accusations of piracy, claiming that those who overstepped their commissions should be disciplined in their own country.

INTERNATIONAL LAW AND NEUTRAL RIGHTS

The rise of state navies in the sixteenth and seventeenth centuries initiated a need to define jurisdiction over the seas. English jurists believed that might meant right at sea as well as on land and that unopposed usage of the oceans could be considered as territorial possession. On the other hand, Dutch scholar Hugo Grotius (1583–1645) argued that nations could not control beyond their coasts, which left the sea open to all. Over the next century, philosophical disputes over neutral versus belligerent rights at sea laid the foundations for the international law of the sea. In 1702, another Dutch legal scholar, Cornelius van Bynkershoek (1673–1743), settled the matter by suggesting that a nation's territorial limits were defined by the weapons available to control them, meaning anything within range of a cannon shot.[23] So authoritative were their writings that, according to one historian, of the ninety-two references to international law in American courts between 1789 and 1820, sixteen cited Grotius and twenty-five Bynkershoek.[24] Not only did the recognition of territorial limits protect vessels from being captured within harbors, it also helped to further regulate the activities of privateers.

Undeniably useful as naval auxiliaries during war, privateers could be a mixed blessing when it came to neutral trade. The concept of what constituted a neutral cargo was a matter of considerable interest at the time because frequently shifting alliances meant that today's enemies could be tomorrow's trading partners. Without a clear definition of whose property privateers could legally seize and when, there was always the danger that an ally's cargo might be despoiled or a neutral nation provoked into declaring war. In a 1753 report to King George III, several learned jurists, including Lord Mansfield, stated, "When two powers are at war, they have a right to make prize of the ships, goods, and effects of each other, upon the high seas. Whatever is the property of the enemy, may be acquired by capture at sea; but the property of a friend cannot be taken provided he observes his neutrality."[25] Swiss jurist Emmerich de Vattel (1714–1767) articulated a similar theory in his *Law of Nations* of 1758. Accepting the premise that nations at war have the right to deprive their enemies of the means of waging war against them, Vattel suggested that enemy-owned cargo carried on a neutral vessel could be seized but that neutral goods aboard an enemy vessel would be released. He also affirmed that any neutral vessel resisting a lawful vessel's right of search could have its

cargo confiscated.[26] The rights of neutrals during war were to assume particular importance for the United States in the lead-up to the War of 1812.

Meanwhile, the endemic piracy of the eighteenth century threatened to disrupt both international trade and peace. The pirates' willingness to plunder friend and foe alike set them outside the law. Respecting no flag but their own, they were considered the enemies of all and were punished accordingly. What differentiated a pirate from an enemy privateer was the letter of marque. Both took equal advantage of the prizemaking opportunities offered by the changing alliances and frequent wars of the period, but a valid letter of marque meant the difference between life and death. It ensured that, if captured, privateers would be treated as prisoners of war and spared. Pirates were summarily judged and usually hanged.[27]

Over time, political and legal developments steadily strengthened the role of the admiralty court in the administration of prize law. Unique under English law, the adjudication of prize took the form of a tribunal before a single admiralty court judge. The action was against the ship rather than the persons involved, a process known as *in rem*. Because the ship's owners were not likely to be present at the capture, the determination of the purpose of the voyage, the nationality of the owners, and the legitimacy of the cargo all depended upon the accuracy of the ship's papers. Affidavit evidence sworn under oath by one or more members of the captured crew confirmed or refuted the documents found aboard the prize and helped the judge make his decision. In 1815, American Supreme Court justice Joseph Story emphasized that the court of prize was a court of the law of nations. When the case of the Baltimore letter-of-marque ship *Adeline*'s recapture by the Baltimore privateer, *Expedition*, was appealed to the Supreme Court, Story stated, "No proceeding can be more unlike than those in the Courts of common law and in the admiralty. In prize causes, in an especial manner, the allegations, the proofs and the proceedings are, in general, modelled upon the civil law, with such additions and alterations as the practice of nations and the rights of belligerents and neutrals unavoidably impose."[28]

British admiralty lawyers, trained in civil rather than common law, argued the case on behalf of both captors and captives, but there was no jury. Owing to the complexity of international law and the fact that the ship rather than a person was on trial, there seemed little point in expecting an untrained jury to make a reasonable decision. Although there were earlier attempts on the part of American admiralty courts to allow juries to determine prize cases, by 1812, the accepted procedure was to present the case before a single judge and rely on the documentary evidence.

COLONIAL VICE-ADMIRALTY COURTS

Among the first items transplanted from England to its colonies was the legal system, including admiralty procedure. Vice-admiralty courts were usually established by means of a colonial charter to resolve disputes over fishing rights. It was not long, however, before the courts assumed responsibility for safeguarding the colonial company's monopoly on trade by "visiting" foreign vessels in port and seizing those that transgressed.[29] In 1658, Jamaica's vice-admiralty court was the first to enjoy full jurisdiction over prize, followed by Barbados, Virginia, Boston, New York, and Philadelphia. As early as 1615, Gov. John Mason of Guy's Plantation (Newfoundland) was given a commission from the High Court of Admiralty to set up a vice-admiralty court for the duration of the fishing season.[30] The growth of British maritime trade during the seventeenth century resulted in a series of navigation acts designed to regulate commercial activities between Britain and her colonies, generally by restricting colonial trade for the benefit of English ships and markets. Not surprisingly, many colonies failed to enforce the acts or to control the smuggling that arose to circumvent these laws. Since juries in common law courts could rarely be persuaded to convict their peers, the British government extended the power of colonial vice-admiralty courts to allow them to prosecute breaches of the navigation acts.[31] Despite some jurisdictional disputes with local and district common-law courts, over the next few years, the American vice-admiralty courts began to develop their own style of practice, adopting some aspects of English civil law but varying slightly from the English model.

Inevitably, where there was trade, there were pirates. Soon colonial vice-admiralty courts were dealing with cases of spoil with the blessing of the British Board of Trade and Plantations. The 1688 Act for the More Effective Suppression of Piracy gave colonial vice-admiralty courts the power to try pirates within the colonies. It also permitted naval commanders to try captured pirates aboard their ships. A tribunal of seven naval warrant officers could hold a trial for piracy and claim the pirate's ship and cargo as prize.[32] A more-than-effective suppressant, such trials were usually short, if not sweet.

In 1708, with its Act to Encourage Trade with America, Parliament finally authorized all vice-admiralty courts to try prize cases within their own jurisdictions and defined the proper procedures for adjudication and appeals.[33] A series of prize acts over the next few years created the first fund for killed and wounded mariners and reduced the Crown's share of prize money, as well as the admiral's one-tenth share, thereby providing an additional incentive for privateers.

In 1749, Gov. Edward Cornwallis was commissioned to set up a court of vice-

admiralty in the newly founded settlement of Halifax, Nova Scotia. The court held jurisdiction over disputes and offences arising at sea "and heard causes relating to seamen's and masters' wages, pilotage, salvage, collisions, wrecks, abandoned ships, beatings or assault at sea, piracy, letters of marque, naval prize money, security for the safe return of a ship, bottomry and respondentia bonds, contraband, possession, and actions for necessaries supplied and/or repairs affected."[34] Despite the relatively small population of the area, in its first ten years of operation, the court heard 137 cases, of which 46, or roughly one-third, related to prize. In 1784, the province of New Brunswick was created, and a vice-admiralty court was established there three years later. By commissioning provincial governors as vice admirals, the Crown provided a mechanism for hearing admiralty cases, especially prize, within the colonies. Instead of incurring the often-prohibitive expense of having to send captured ships and cargoes back to England for adjudication, not to mention the risk of recapture or further damage, provincial vice-admiralty courts were able to decide prize cases swiftly and efficiently, with the added convenience of having ships and prize goods readily available for sale locally as soon as they were condemned.

From 1749 on, the American Revolution and intermittent war with France afforded the provincial vice-admiralty courts plenty of opportunities to exercise their prize law jurisdiction. With the adjudication process well established, the vice-admiralty court of Halifax provided the legal foundation for Canadian privateers in the War of 1812. From 1801 to 1814, the Hon. (later Sir) Alexander Croke presided over the vice-admiralty court. Respected by his legal peers and reputedly disliked by virtually everybody else in Halifax, Croke was responsible for one of the most far-reaching judgments of the war.[35]

THE *MARQUIS DE SOMERUELES*

On 10 July 1812, Capt. Frederick Hickey of HMS *Atalante* captured the American ship *Marques de Somerueles* en route from Italy to Salem. Among the valuable cargo of marble, wine, brandy, feathers, silks, and umbrellas were several crates containing antique paintings and prints destined for the Pennsylvania Academy of the Fine Arts in Philadelphia. The donor, William Allen Smith, had purchased the artworks in Italy expressly for the new museum established in 1805, and the board of the academy was determined to get them back. By law, the capture had been a fair one, and the ship and its entire cargo should have been condemned to Captain Hickey and his crew. In a precedent-setting judgment, however, Croke decided to grant the academy's request to return the paintings. He argued, "The arts and sciences are admitted amongst all civilized nations, as forming an exception to the severe right of warfare, and as entitled to favour and protection."[36] Be-

lieving that exposure to art would have a civilizing effect on relations between the two countries, while improving taste and moral standards on both sides, Croke agreed to restore the paintings and prints to the academy. His decision recognized for the first time that works of art belonging to a public institution were not just part of the cultural patrimony of that nation but that they belonged to civilization as a whole. This decision meant that artworks were no longer to be considered as spoils of war. Philadelphians were soon able to appreciate the paintings for themselves, as the *American Daily Advertiser* noted, when a new exhibition opened in September 1813, "greatly enlarged by a late importation from Italy."[37] Reaching far beyond Philadelphia, Judge Croke's decision has influenced every discussion regarding the treatment of war-related cultural property from the Elgin Marbles to Nazi art seizures during the Second World War. It was the premise behind the Hague Convention and Protocol of 1954, also known as the UNESCO Convention and Protocol for the Protection of Cultural Property in the Event of Armed Conflict, and lives on in current conflicts.[38]

A SOUTHERN PRIZE COURT

Prize court documents are among the richest sources of information regarding privateer activities during the War of 1812, yet they are often tantalizingly incomplete. Not all prize vessels carried the same documents among their papers, and not all case files contain the same court-generated paperwork. Practice in the Halifax Court of Vice-Admiralty was very similar to that of various American admiralty courts; however, affidavits, petitions, and interrogatories occasionally assumed other forms or were omitted altogether. During the War of 1812, Judge William Stephens of the U.S. District Court at Savannah, Georgia, heard approximately fifty privateer prize cases sent in by twenty-four different letter-of-marque vessels, only two of them, the *Atas* and the *Rapid*, actually commissioned in Georgia. As the War of 1812 wore on and more northern ports were blockaded, privateers from ports up and down the coast began sending their prizes into Savannah and St. Mary's where they were adjudicated in the U.S. District Court of Savannah. Almost half of the fifty-two prize cases were sent in in 1814. No cases arrived in 1815. This small sample of prize cases offers a micro-profile of the legal business of private armed warfare during the War of 1812 and the role of a prize court within a maritime community.[39]

Although neither prosperous nor populous in 1812, the state of Georgia nevertheless outfitted fourteen letter-of-marque vessels, eleven from Savannah and three from St. Mary's. Both *Harrison* and *Liberty* were originally from Baltimore but later sailed out of Savannah.[40] They ranged in size from the twenty-ton sloop

TABLE 2.1
Prizes Adjudicated by the U.S. District Court, Savannah, Georgia

Port	Privateer	Prizes			
		1812	1813	1814	Total
Baltimore, MD	*Harrison*			5	5
(8 LoMs: 18 prizes)	*Midas*			6	5
	Nonsuch	1			5
	Patapsco				
	Rossie	1			1
	Sarah Ann	1			1
	Ultor		1	1	2
	Wasp	2			2
Bristol, RI	*Yankee*	1			1
(1 LoM: 1 prize)					
Charleston, SC	*Decatur*		1		1
(5 LoMs: 21 prizes)	*Hazard*	1			1
	Liberty	1	2		3
	Rapid	1	2		3
	Saucy Jack			8	13
New York, NY	*Holkar*		1		1
(3 LoMs: 3 prizes)	*Invincible*			1	1
	Sabine			1	1
Norfolk, VA	*Mars*	1			1
(1 LoM: 1 prize)					
Philadelphia, PA	*Matilda*	1			1
(1 LoM: 1 prize)					
Salem, MA	*Diomede*			1	1
(2 LoM: 2 prize)	*Polly*	1			1
Savannah, GA	*Atas*	1			1
(2 LoM: 2 prize)	*Rapid*			1	1
Total	21	13	14	25	52

Eclipse, owned and captained by Cyrus Snow of St. Mary's, to the 249-ton brig *Ulysses*, captained and partly owned by Samuel Hill of Savannah. Neither privateer brought in a prize. In fact, only *Atas*, *Eagle*, *Harrison*, *Lady Madison*, and *Rapid* made any captures at all, of which only a handful reached port and court. *Eagle* and *Lady Madison* sailed together in 1813, capturing and sending in only one of their seven joint prizes, although *Eagle* sent in two others on her own. *Atas* and *Rapid* sent one prize each into Savannah, while *Harrison* only carried in the cargoes from five ships.[41]

As a rule, privateers preferred to send prizes into their home ports, where they could ensure that cargoes were sold as advantageously as possible. If it were necessary or simply more convenient, they could head for the closest American or

allied port of entry. At these ports, customs collectors, such as A. S. Bullock at Savannah, would ensure that any taxes or excise duties applicable to prize goods imported or sold were paid. In the case of Georgia, St. Mary's and Savannah were the largest, most southerly American harbors where prizemasters sailing home from the Caribbean could find shelter and safety without the threat of recapture. The presence of an effective admiralty court to deal with these prizes became even more important after mid-1813 once the British blockade sealed off access to more northerly ports of entry like Baltimore, Philadelphia, and New York.

Court records for the U.S. district court at Savannah reveal a steady, although not tremendously heavy, workload for the court throughout the war, dealing with close to 200 cases, 52 of which involved privateer prizes.[42] The rest involved captures by gunboats (38); a couple of U.S. Navy prizes; prizes sent in by French, Carthaginian, Spanish, and Colombian privateers; several revenue captures (mostly involving smuggling); and numerous cases identified as foreign cargoes and crew libels for wages or other admiralty issues. The court also dealt with nine prizes carried into Elizabeth City, North Carolina, and another twenty or so cases from Mobile, Alabama, only two of which were gunboat captures.

In terms of prizes taken by letter-of-marque vessels, the court examined thirteen prizes or cargoes in 1812, fourteen in 1813, and twenty-four in 1814. This represented captures by twenty-four privateers from eight different ports, Baltimore vessels being the most numerous. As expected, almost all of the prizes were either sailing from or to Caribbean ports, carrying cargoes such as sugar, rum, coffee, dry goods, salt, cotton, flour, or fish. Nearly 60 percent of the privateers (15) sent a single prize to Savannah, indicating a one-time need for the court's services. On the other hand, *Midas* and *Saucy Jack* repeatedly sent prizes to Judge Stephens's court. *Midas* (the former privateer *Nonsuch* commissioned in 1812) captured her five prizes between 19 March and 24 July 1814, at a time when the blockade would have made her home port of Baltimore virtually inaccessible. Knowing that her valuable and perishable prize cargoes of wine, figs, anchovies, salt, oil, rice, and cotton would have to be dealt with expeditiously, *Midas* took advantage of the nearest admiralty court where her prizes could be quickly condemned and auctioned off. During June and July 1814, *Harrison* either destroyed or released several vessels and their crews, sending in the cargoes from at least five vessels, two of which carried Swedish papers.

Saucy Jack, on the other hand, seemed to prefer Savannah or St. Mary's to her home port of Charleston, South Carolina, sending in six prizes in 1813 and eight in 1814. Since all but two were condemned, Capt. John Pierre Chazal may have found the Savannah court more sympathetic. The career of the *Saucy Jack* will be

discussed in chapter 5, but it is worth noting that the Savannah court adjudicated thirteen of the seventeen prizes sent in by the *Saucy Jack*.

The prizes themselves were as varied as their captors. The most valuable seems to have been the *Albion*, a British merchantman with twelve guns and twenty-five men captured by the Charleston privateer *Hazard*. Captain Placide Le Chartier had to fight for his prize twice, capturing it en route from Jamaica to London on 1 February 1813, having it recaptured on 28 February, and retaking it the same day. It was clearly worth the fight, however, as the cargo of 400 hogsheads of sugar, 300 bags of coffee, 69 puncheons of rum, and 10 bales of cotton fetched a whopping $91,029.87 at auction. Even after deducting $56,000 worth of duties and court costs, *Hazard*'s forty-five-man crew would still have earned enough prize money to justify their risk. Other prizes like *Leonidas* and *Elizabeth* captured in August 1812 by *Mars* of Norfolk and *Sarah Ann* of Baltimore sold for $62,567.28 and $65,883.10, respectively, although at least half of the income was once more eaten up by duty and court costs. Other prizes were less valuable but lucrative enough to earn the privateers' captors and owners a good return.

Despite their fragmentary nature, the existing sales records from twenty prizes indicate that they generated just over $360,000 worth of sales, while court costs and duties amounted to $143,693.45. The regular condemnation of prize ships and cargoes maintained the city's economic momentum. As privateersmen cheerfully recycled their prize winnings into the local economy, preparations for the next cruise would have sustained local suppliers. Even if more northerly ports were all but closed to shipping, the admiralty court in Savannah remained in business, processing almost as many prizes in 1814 as it did in 1812 and 1813 combined.

THE ADMIRALTY COURT PROCESS

Descended from the same legal tradition as their British neighbors, American admiralty courts made the transition from colony to republic relatively unchanged. Since the Revolution began in Massachusetts, it is only fitting that the first American prize court was established there in 1775, followed by district courts in each of the other thirteen colonies. The inevitable complaints arising from district court prize decisions were referred to Congress. In January 1780, the federal Court of Appeals in Cases of Capture was created to handle appeals from the various district courts. This first federal court of appeal is considered to be a predecessor, if not one of the origins, of the U.S. Supreme Court.[43] One might even argue that without privateering to generate prize appeals, the Supreme Court would not have evolved so quickly. At first, these early courts tried their cases before a jury; otherwise, the new judges respected the judicial precedents set by British courts.

In fact, John Jay, the first chief justice of the United States, wrote to Sir William Scott, Lord Stowell, one of the most respected judges of the English High Court of Admiralty, to ask for his written opinion on the law of prize.[44]

Under Article III of the new American Constitution of 1787, administration of judicial power rested with the U.S. Supreme Court and other inferior courts. Section II of the act extended these judicial powers to matters of maritime law and prize.[45] In a letter to Jay dated 10 September 1794, Scott remarked, "We have the honor of transmitting, agreeable to your excellency's request, a statement of the general principles of proceeding in prize causes in British courts of admiralty, and of the measures proper to be taken when a ship and cargo are brought in as prize within their jurisdiction."[46] The letter outlined the principles governing prize court proceedings and recommended the measures that should be followed by both captors and neutral claimants regarding prize. Out of this came the procedures that guided American prize court decisions throughout the War of 1812.

A comparison of the fifty-five prize rules of the U.S. District Court for the Southern District of New York, for example, and the Vice-Admiralty Court of Halifax reveals systems that are remarkably similar.[47] The first rule required that people be commissioned by the court to take witness affidavits based on a standard set of questions known as the Standing Interrogatories; thirty-four for the Halifax court and usually thirty-six for American courts. As soon as a prize was brought in, the district judge or registrar was to be advised of the name and location of the vessel or cargo so he could send someone to ensure that it was safely anchored. Both systems immediately verified that bulk had not been broken, since theft or tampering with a cargo usually led to forfeiture of the prize. If found intact, the cargo was sealed on board the ship to await its legal disposition. Occasionally, a privateer would decide that a capture was not worth sending in and would destroy or release it after off-loading the cargo to his own vessel or another prize. In this case, the court could order the cargo stored under seal in the customhouse or other secure warehouse. If a captor failed to notify the authorities of a prize's arrival or delayed too long in doing so, the court would simply find it and assume control of it. Once safely landed, the prize master of the captured ship was obliged to present all the ship's papers to the court, including sea passes, bills of lading, contracts, letters, and any other documents associated with the capture. These were then noted, numbered, and accompanied by a sworn statement from the prize master that they were as they were found with "no fraud, subduction or embezzlement," according to the best of his knowledge. He also had to swear to bring any additional papers that might be found before the hearing to the court's attention. The documents were then sealed until the case was heard.

In Nova Scotia and New Brunswick, as soon as a prize was brought in, the captor almost always petitioned the court for a monition. This notice was issued in the king's name and advised or admonished anyone with an interest in the prize that he had twenty days, or the closest court date to that, to show why the prize should not be condemned to the captors as "good and lawful prize." The monition was then nailed to the mast of the ship for all to see. In the case of goods offloaded from a ship, the monition was usually posted on the customhouse door. Similarly, in U.S. admiralty courts, as soon as the prize was brought into the jurisdiction, the captor filed a libel, and a monition would be issued for the case to proceed. In the case of a ship carrying perishable cargo, the captor and claimant could agree, or the claimant could petition the court on his own, to have the cargo delivered to him on bail for a quick sale. The amount of bail was usually twice the estimated worth of the cargo. If the two sides were unable to agree on a fair value, the court could order the cargo unloaded and appraised (for a fee). The court would then retain the proceeds of the sale, as well as any freight or expenses owing, until the final disposition of the prize was determined.

Within a few days of securing the ship and cargo, one or more representatives from the captured crew were called forth to answer the Standing Interrogatories under oath. Each deponent was questioned individually to avoid collusion, and everyone was asked the same set of questions on the same day. Their responses, even if they knew nothing further, were itemized as part of the court record. For captured crew members who did not speak English, the services of a translator were obtained to administer the oath and translate the interrogatories for the commissioners of the court. Once the statements were signed, sworn, and submitted, nothing more could be added without special permission from the court. Although the number of questions might vary slightly between different admiralty courts, they were designed to verify the nationality of the deponent and the ship and confirm his presence at the capture. The questions also sought to determine the ownership of the ship and cargo, what port they sailed from, where they were going, for whose benefit they would be sold, what country the cargo came from, whether the ship was insured, whether it carried a commission, and whether it had ever entered a blockaded port, been captured before, or carried arms or warlike stores. These questions were intended to corroborate or clarify the ship's papers seized at the time of capture, and all discrepancies were then pursued in court. To avoid conflict of interest, no one involved in the court process or having interest in a privateer could serve as a commissioner, nor could commissioners serve as legal counsel in any prize cause.

A privateer captain or prizemaster had to produce the ship's papers and witnesses within three days of arrival in port. Failure to do so would bring the court's censure. If the captor continued to refuse or delayed the process unnecessarily, the original owner of the ship and/or cargo could file a libel demanding restitution of his property. In order to keep the court process moving forward, all documents contained a time frame for the libel, allegation, appraisal, or petition, and most bear a clerk's notation on the cover indicating when the action was filed, when it was due or returnable, and when it was dealt with. If the deadline was extended, this had to be noted as well.

Commissioners were regularly called to account for any money brought into court as part of this process. In the United States, a local bank was usually appointed as custodian of these funds, but in Halifax there was no public bank, so the money was held by the court. In writing about privateering after the war, George Coggeshall, a former American privateer owner and captain, complained about how quickly the New York admiralty court ordered condemned prizes to be sold by the marshal and the proceeds deposited with the clerk of court for distribution. He felt that a quick sale did not always serve the captor as well as it should, since it failed to take advantage of the market and might not earn what the prize was really worth. To add insult to injury, the captor then had to pay the marshal's commission of 1.25 percent on gross sales, including duty and the humane fund for sailors. After paying the same percentage to the clerk, as well as payment of the duty, court costs, wharfage and other expenses, the captor received a "lean account of profit." Coggeshall suggested reducing the time spent waiting for a prize to be condemned and establishing set fees for court officers, as was done when America was a British colony. He also proposed a bounty for vessels that were destroyed rather than carried in, since the destruction contributed to the war on enemy trade, yet privateers earned nothing by it.[48]

The owner, captain or agent of the captured ship and cargo could submit a claim for the return of his property by submitting his own libel and requesting a monition to be served on the property within ten days. If the prize was carried into a foreign port, the claim would be served through an agent connected with the capture. Otherwise, the notice of claim or libel had to be published in a local newspaper for ten successive days, thus making it "publick and notorious." Neither party could submit further proofs until after the original case was heard. If the owner claimed damages against the captor and the court agreed, he could ask that three independent commissioners be appointed to assess the damage and report to the court, with the captor given an opportunity to respond.

Although a prize act entitled privateers to capture enemy shipping, title to the prize actually rested with the sovereign power, which granted it to the privateers through a letter of marque. There were several ways to take a prize, and each one had its own peculiarities. The most straightforward was the capture of an enemy vessel by a single privateer. If there were no extenuating circumstances or appeals, the court could condemn the ship and cargo to the captor within a few weeks. This was usually followed by a newspaper notice advertising the sale of one or more prizes at a given time and place. Once all court costs were paid, the proceeds from the sale were then shared between the owners and captors. Occasionally, privateers hunted together, and if another privateer was within sight, present at the capture, or assisted in any way, it could claim joint capture. Based on the Standing Interrogatories, the court would then decide whether it had, in fact, contributed to the seizure, physically or even as a deterrent to the prize fighting back or making a run for it. Both privateers would then share the proceeds.

One of the main hazards to prizemaking was recapture. It is likely that more than half of the prizes taken on both sides were retaken before they reached port. Recapture was not nearly as lucrative as far as privateers were concerned. Although they did not have to pay court costs, which were considerable, a recaptured prize was considered as salvage, and the captor only received one-sixth of the appraised value. (Naval vessels received one-eighth.)

Deciding what was capture versus recapture could be both expensive and legally complex, as illustrated by the case of the Nova Scotia brig *Astrea*. On 17 May 1814, while carrying a cargo of fish, oil, and lumber from Halifax to Surinam (Dutch Guiana), *Astrea* was taken by the Baltimore privateer *Ultor*. Leaky and in poor repair, the 290-ton prize was ordered into the nearest American port, which was Savannah. On 13 June, within sight of the harbor, *Astrea* was snapped up by the *Dash*, a Nassau-based privateer. A few hours later, *Dash* and her new prize were re-recaptured by *Midas*, another Baltimore privateer. Both *Ultor* and *Midas* filed libels and monitions against *Astrea* in the Savannah admiralty court, *Ultor* arguing that, despite the brief interlude of British capture, her prize crew maintained control of the vessel long enough to ensure possession and was at least entitled to salvage. *Midas*, on the other hand, claimed that the *Dash* had possession of *Astrea* at the time of capture, and thus it was a lawful prize. The district court decided for *Midas*, and *Ultor*'s owners appealed, first to the circuit court and then to the Supreme Court. At stake was prize money worth $9,133.77. In February 1815, the court upheld the original decision in favor of *Midas*, and *Ultor* was ordered to pay costs.[49]

Aside from privateer and naval captures, prizes were also seized by customs

officials in port and revenue cutters at sea and adjudicated accordingly. Everyone knew that legal battles could be as costly as those at sea and tried to avoid them. Occasionally, the government laid claim to prizes captured in port or prior to a declaration of war. Although the subject will be discussed elsewhere, this was the case with the first prizes taken by the *Liverpool Packet* and *General Smyth*. Until Britain declared war in October 1812, all prizes captured before then were held as droits of the Crown or royal rights, rather than reverting to the captor on condemnation.[50]

Those who were unhappy with the judge's decision could always appeal it. In the United States, the Judiciary Act of 1789, which conferred admiralty jurisdiction on district courts, provided for appeals to circuit courts and from there to the Supreme Court. Appellants had ten days to appeal the court's final decree before it was carried out. To discourage frivolous suits, they had to provide two sureties worth $250 to pay all costs and damages awarded against them and agree to carry through on the appeal. If the appellant took too long to obtain the necessary documents, his opponent could ask the court to execute the decree notwithstanding the appeal. In Halifax, dissatisfied parties had fourteen days to announce their appeal to the High Court of Admiralty in London. These transatlantic appeals were costly and complicated proceedings that often outlasted the war that initiated them. There were certainly plenty of complaints about the system in the popular press. In October 1813, for example, the *Weekly Register* accused Sir William Scott of being less than impartial in his judgments and accused his court of catering to the Royal Navy's interest in prize money. Never one to be considered impartial himself, editor Niles continued, "and as to the vice-admiralty courts at Bermuda, Halifax, Gibraltar, &c &c earth does not hold a set of knaves more vile than they."[51] Even though the capture of neutral shipping generated the most appeals on both sides, it is a measure of the professionalism of the vice-admiralty court that so few judgments were actually challenged. According to Carl Swanson's study of privateering in the Anglo-Spanish War of Jenkins Ear (1739–1748), less than 7 percent of the six hundred cases reviewed were appealed, and only seventeen cases, or fewer than 2 percent, were overturned.[52] Similarly, during the War of 1812, the privateers of Atlantic Canada brought 212 prizes before Judge Alexander Croke of the Halifax Court of Vice-Admiralty. Of these, only five were appealed and four prizes were restored, again roughly 2 percent. While records for the total number of cases processed by the American district prize courts during the War of 1812 are not available, only 36 prize cases out of the many hundreds involving privateers were appealed to the Supreme Court. Given that the final appeal on the collusive capture of the *Experiment* by the Portland privateer, *Fly*, in 1814 was

finally decided in 1824, captors probably had good reason to avoid appeals.[53] Collusive or prearranged captures were a particularly thorny problem for the courts, since few perpetrators were unwise enough to leave a paper trail. Deception and other dirty tricks will be discussed in the next chapter.

Honed by more than five hundred years of theory and practice, prize law and the admiralty court system had reached their peak by the War of 1812. Both British and American privateers benefitted from a solid base of precedents and procedures that guided them through the entire process of prizemaking from first sight to final sentence. And then it was over. Technological developments in shipbuilding, weaponry, and naval strategy after 1815 meant that the relatively inexpensive conversion of a merchant vessel to a privately armed commerce raider became increasingly complicated. The end of the Crimean War in 1856 marked the official end of privateering. On 16 April 1856, the Declaration of Paris concluded the war and announced, "Privateering is and remains abolished." Signed by all the major European powers including Turkey, the treaty's only nonparticipants were Spain, Mexico, Venezuela, and the United States. Despite some privateer activity during the American Civil War, private armed warfare ceased to be strategically or economically viable.

CHAPTER 3

No Prey, No Pay

"Having play'd a lucky game,
Homeward, with her treasure, came
This privateer of gallant fame,
Call'd the Prince of Neufchatel."

—*Philip Freneau, "The Brigantine Privateer, Prince de Neufchatel"*

Inconclusive and inconsequential in terms of territorial or military legacies, the War of 1812 left a deep impression in the pockets of merchants, consumers, and governments. By declaring war against Great Britain at a time when the nation was still repaying debts incurred during the American Revolution nearly forty years earlier, Congress made a fiscally reckless decision that cost both sides dearly.[1] Among the reasons for war were ongoing British orders-in-council that restricted America's lucrative neutral trade, compounded by the Royal Navy's refusal to abandon its ancient legal prerogative of impressing so-called British sailors into British service right off American decks. By the time America declared war, the Orders in Council had already been repealed, so pro-war politicians focused on protesting impressment. Most sailors, however, although they feared and hated it, viewed impressment as just one more occupational hazard.[2] In fact, by then, other forces were driving the war forward. Political ambition, outraged honor, land hunger, and a simmering desire for revenge against England created a volatile mixture that finally erupted into an unnecessary conflict that both sides could ill afford.

THE COST OF WAR

Although not unexpected, war was the last thing America needed. Militarily unprepared, without allies or even a coherent defense strategy, the United States

also lacked a national bank to manage government purchasing, payrolls, loans, and other extraordinary financial obligations involved in conducting a war. In 1811, for various political reasons, Congress had failed to renew the charter of the First United States Bank, leading to the creation of dozens of state and private banks and feeding inflation and "decentralization that bordered on chaos."[3] Nevertheless, assured by Albert Gallatin, Secretary of the Treasury, that the war could be paid for by means of increased tariffs on trade goods (which were actually declining), new taxes on sugar and alcohol (to which southern planters immediately objected), Treasury notes (which were undersubscribed because the intended supporters were mostly antiwar New England Federalists), and loans (which never even covered the outstanding debts), President James Madison issued his declaration.[4] By December, without yet feeling the effects of the war, the *Norfolk Gazette and Public Ledger* was already predicting that the Treasury would be $20 million short in 1813 and would need to raise money from loans and exchequer bills.[5]

In spite of the rhetoric that heated up congressional debates and editorials in partisan newspapers, the prospect of war caused deep divisions in American society, which split along roughly north-south lines and pitted antiwar Federalist New England against the Republican war hawks, who were largely from Virginia and the southern states. For a war that was supposed to protect "Free Trade and Sailors' Rights," the New England mercantile interests who had the most at stake were most strongly opposed to war. Maritime communities from Maine to Maryland knew who would bear the cost of war driven by agrarian southern states that were anxious to eliminate Native Americans and British traders (standing in their way in Canada and the western territories) in order to claim the land and the markets for themselves.

COMMERCIAL WARFARE

Outside of a handful of military and naval actions, the War of 1812 was largely waged with commercial weapons that targeted livelihoods, not lives. Economically dependent on duties generated by foreign trade, the United States and England were equally vulnerable to commerce raiding. Nineteenth-century maritime strategy recognized that the best way to undermine an opponent's will, as well as his ability to fight, was to attack his shipping. Commercial warfare was not meant to totally destroy an enemy's trade but rather to choke it into submission by halting exports and restricting imports. Based on an analysis of exports alone, it is easy to see how a succession of French and American embargos and nonintercourse acts between 1807 and 1811 set British exports on a prewar roller coaster of decline from £45.5 million in 1807 to £39.6 in 1811 on the eve of war. American

exports for the same period experienced fewer fluctuations but dropped steadily from roughly $108.3 million in 1807 to $61.3 million by 1812. Using the contemporary exchange rate of $4.40 to a pound, it is apparent that for the United States, the loss of income was substantively and comparatively much more severe.[6]

Capture and the fear of capture restricted shipping and reduced Britain's income from customs duties and taxes. In 1813, British expenditures exceeded £111 million, compared to tax revenues of £73 million. British imports from the United States dropped from £11,846,513 in 1807 to £1,841,253 in 1811, declining even further after 1812.[7] War with Napoleon, exacerbated by the loss of profits from £12 million worth of trade per year with the United States, elevated Britain's public debt to new heights. A corresponding decrease in American exports caused similar financial pangs for the U.S. Treasury.

While Britain was able to find other markets for its goods in Europe and the Caribbean, the much smaller American merchant fleet could not make up the shortfall, even after various trade restrictions were lifted. War only made matters worse. After 1812, the Royal Navy's blockade efforts and compulsory convoy rules were reinforced by enthusiastic privateers from Atlantic Canada who squeezed American exports as well as imports. This activity resulted in a rapid decline in the duties and excise fees that were the chief sources of revenue for a nation still gun-shy about overt forms of taxation.

Attacking Britain's maritime trade was not an American attempt to usurp Britain's dominant role as a mercantilist nation or even to open new markets. It was intended to ensure America's continued access to European markets as a neutral nation without fear for her sailors or her ships. In the absence of a large navy to spearhead the American attack on British commerce, the job fell to privateers, who embraced it heartily. Whether motivated by patriotism or profit, privateering was one way maritime communities could wage war. All that was required, as one source suggests, was "a moneyed merchant class prone to risk speculation."[8] It did not take long, however, for both sides to discover that free trade did not come cheap.

ECONOMIC OPTIONS

By 1812 there were several alternatives for those facing a wartime loss of income due to restricted, not to mention high-risk, trading conditions--licensed trade, smuggling, and privateering. American ship owners willing to trade with the enemy could obtain a license from a former British consul or other British colonial or naval officer and carry nonmilitary cargoes such as flour, beef and other supplies to support British troops fighting Napoleon in Spain. Those with fewer scruples could smuggle similar or more valuable goods without a license and

Huzza for "Free Trade and Sailor's Rights."
You'll bridge the Atlantic, will you? O, then you shall have a Bone to your bridge, friend Johnny.
Are these your Wasps and Hornets!!! O! I am Hull'd already!!
How comes on your Copper bottom at Bombay? here is something for you between Wind and Water.
John Bull stung to agony by the Wasp and Hornet.

An American Cartoon Showing Britain's John Bull attacked by a Wasp and a Hornet Americans relished the victories of the USS *Wasp* and *Hornet* over British naval vessels such as HMS *Frolic* in 1812 and HMS *Peacock* in 1813. The captions are satirical references to wartime commanders such as William Bainbridge and Isaac Hull and events involving the British navy. American political cartoon, Boston, ca. 1813. (*Source*: © American Antiquarian Society.)

exchange them with their so-called enemies by means of any number of covert strategies that would have likely been part of their regular activities with or without the war. Finally, ship owners and investors willing to risk their capital but not their good names could keep their ships and crews busy by obtaining letters of marque and sending out their vessels as armed traders or privateers.

The Licensed Trade

During the early months of the war, the ongoing need for wheat and other stores to resupply British forces in Spain, Portugal, the West Indies, and Canada prompted Britain to issue hundreds of licenses to unarmed American ships of at least one hundred tons willing to transport food and nonmilitary supplies to British ports. Britain had issued more than 50,000 of these ninety-day commercial licenses between 1807 and 1811 to neutral ships from Sweden, Spain, and Portugal, as well as the United States, even while the United States was under embargo.[9] Such

licenses were defended by no less a practical patriot than Thomas Jefferson, who argued that since the British government was going to pay someone to carry food to its troops in Spain, it might as well be Americans. The supplies would keep British soldiers fighting in Europe and divert them from the United States, while supplying hard currency to a struggling American economy, which could spend it waging war against the British. Aware that American merchants were less than whole-heartedly committed to war, especially at the outset; Jefferson understood that "to keep the war popular, we must open the markets."[10]

Although decried as treasonous by many American patriots and prohibited by law on the eve of war,[11] licenses could be obtained from several sources. By August 1812, at least five hundred licenses were approved by the British Board of Trade and Plantations (signed by Lord Sidmouth).[12] In Nova Scotia, Lieutenant Governor Sir John Coape Sherbrooke issued licenses accompanied by a laissez-passer document from Adm. Herbert Sawyer, commander of the North American Station.[13] Finally, they could be obtained from Andrew Allen, the former British consul in North America, and from various lieutenant governors of Bermuda, the Bahamas, and other British Caribbean islands. Swedish, Portuguese, Russian, Spanish, and other neutral ships carried licenses as well, but the ease with which an American vessel could obtain Swedish papers, for example, meant that American navy vessels and privateers targeted any suspicious foreign flag. Because Britain's navy posed a greater threat than their own, many American merchants decided it would be more profitable to continue trading under license than risk capture with a letter of marque or else not to trade at all. So great was the fear of falling into British hands that two American crewman refused to sign onto the brigantine *Victory* in Lisbon without first seeing the ship's license.[14] Although licenses generally protected American ships from capture by Royal Navy vessels, Atlantic Canadian privateers preferred to use their own judgement. Thus, while *Victory*'s license didn't prevent her from ending up in Liverpool, Nova Scotia, in March 1813 as prize to the privateer *Retaliation*, it did ensure that the vice-admiralty court eventually restored both ship and cargo to its New York owners. Disappointed by such decisions, Atlantic privateers brought in just ten licensed vessels in 1813. Among these was the *Mary* of Ipswich, from Boston to Halifax, brought to by *Wolverine* in September 1813. Captain Charles Shea found her papers in order, but he suspected that several boxes of nonlicensed "cigarroes" were part of an entire cargo of contraband being shipped to Halifax.[15] Although the court restored the ship and cargo on appeal, Shea's hunch was close enough to win him the cigars.

The licensed trade also initiated a brisk trade in licenses, real and fake. Since

a genuine license could cost from $1,000 to $5,000, there was a market for both kinds, which were bought and sold like the commodities they protected. When captured by the *Montgomery* of Salem in August 1812, *Lady Gallatin* not only carried British goods under license, she also had one hundred blank licenses among her papers to perpetuate such subversive commerce.[16] Their loss was no doubt a serious blow to *Lady Gallatin*'s New York owners.[17] In December 1812, Joseph Reed, the recorder of the city of Philadelphia, alerted his colleagues and the newspapers that licenses signed by Lord Sidmouth were being forged in New York and distributed to Baltimore and nearby ports.[18] Such fraudulent licenses created an additional level of distrust among many Royal Navy captains who felt the same way about trading with the enemy as their American naval counterparts.[19]

Under international law, once a captain presented his papers to the boarding officers, they were not allowed to search the vessel further, even if they suspected a hidden license. American privateers like *Frolic* and *Saratoga* slyly flew false flags and pretended to be British to trick the captains of *Grotius* and *Drake* into revealing their licenses.[20] In August 1812, Capt. David Maffet of the privateer *Atlas* pretended to be a British privateer when he boarded the New York brig *Tulip* carrying a cargo of flour to Lisbon. He was so convincing that *Tulip*'s master willingly produced a license from Augustus Foster, former British Minister Plenipotentiary to the United States. Maffet expressed satisfaction with the proof, stating that he would not be sending *Tulip* to a British port after all–but rather to court in Philadelphia. Baltimore newspaper editor Hezekiah Niles expressed the feelings of many when he added, "We were in hopes, that the ingenuity, enterprise and management of our privateersmen would discover the traitors who were thus adhering to our enemies, giving them aid and comfort."[21]

False flags flew on both sides. Hoping to slip into Eastport, Maine, with his licensed cargo of salt and cloth from Cadiz, Capt. Nathaniel Eldred was quietly guiding the *Frederick Augustus* through the fog when he saw a ship as large as his own not only hovering very close to the American coast but flying an American flag. Fearing the worst, Eldred hurriedly burned his license, only to discover that the privateer was actually the *Sir John Sherbrooke* of Liverpool, Nova Scotia, and his protection had just gone up in smoke. Fortunately, the captain could prove he had had a license and was able to return home after a brief delay in Halifax and the payment of court costs.[22]

Eldred's fears were well grounded. Under Statute 1, chapter 129, An Act to prohibit American vessels from proceeding to or trading with the enemies of the United States, and for other purposes (passed 6 July 1812), American ships carrying British goods faced severe penalties, including confiscation, forfeiture

of the value of the vessel and cargo, a misdemeanor conviction, up to a year in prison, and a fine not to exceed one thousand dollars.[23] Nova Scotia privateers like George Anderson, captain of the *Weazle*, took an equally dim view of licenses. In August 1813, he seized the schooner *Minerva*, which was three times his ship's size, and bluntly told the master, Jonathan Scott, that "he had orders not to inspect licenses but to burn, sink and destroy everything they met under American colors & that they did not care a damn for Sir George Beckwith or his license or anybody else."[24] Unfortunately for Anderson, Judge Alexander Croke restored *Minerva* and nearly $4,000 worth of specie to its owners.

If intimidation failed, there remained the court of public opinion. When the Boston owners of *Dispatch*, full of licensed goods from Cadiz, tried to recapture their ship from the Salem privateer *Castigator*, the *Essex Register* proclaimed, "We have no hesitation in saying that the capture of one of these Boston 'wolves in sheep's clothing' creates more real satisfaction amongst us than the capture of a British vessel–so much more odious and detestable is a concealed enemy than an open and declared one."[25] The combination of legal and social pressure must have proven an effective deterrent, since a search among the more than 1,900 prizes seized by American privateers during the war reveals very few licensed vessels: eleven in 1812, a dozen in 1813, and only four in 1814, some of which were Swedish or Spanish owned.

Was a license worth it? Of the more than seven hundred prize vessels adjudicated in the vice-admiralty court of Halifax between June 1812 and March 1815, seventy-one carried licenses, and all but a handful were eventually restored to their owners. In 1812, eighteen licensed vessels were taken, but only three were condemned, despite appeals to the High Court of Admiralty in London.[26] In 1813, 42 of the 344 prizes carried licenses, and, again, all but two were restored. By 1814, licenses were officially discontinued so that five of the nine licensed vessels seized were condemned, including the *Dantzig*, suspected of having a forged license. Three other prizes were restored, and one, the jebacco boat *Sandbird*, from Halifax to Boston, had its cargo of cloth, hardware, and pencil lead awarded to the privateer *Lunenburg*, but the boat itself was restored. Finally, of the two licensed vessels captured in 1815, one was restored and one condemned.[27] Even though fewer than 10 percent of prizes carried licenses, 85 percent of those that did were restored to their owners, clearly a sound investment.

The relatively few licensed vessels captured by privateers, customs officers, or naval forces would seem to indicate that those carrying the hundreds of licenses issued early in the war were either very good at concealing their papers or very lucky. It also makes it almost impossible to calculate the value of the licensed

trade as an economic alternative. Once Britain discontinued issuing them in 1813, licenses gradually fell into disuse, and entrepreneurs turned to a more traditional form of covert commerce–smuggling.

Smugglers Trade and Traitors Rights

In the years leading up to the war of 1812, Britain and France battled for control of Europe with economic and conventional weapons.[28] America's attempts to capitalize on its neutral position by pursuing trade with both nations led to a series of punitive trade restrictions and decrees that threatened the commercial life on both sides of the border. Prevented from trading with their neighbors legally, merchants resorted to a covert trade where smuggling, false documents, fake flags, phony captures, and various collusive activities flourished. For example, shortly after the 1807 *Chesapeake* Affair, which nearly catapulted the United States and Britain into war, America retaliated with the embargo act forbidding trade with England and attempting to put a halt to impressment and other British violations of American neutrality.[29] All at once, little Eastport, Maine, became one of the busiest ports in America. Conveniently, New Brunswick's Campobello Island was a mere two miles away, while only a few more miles separated Moose Island and Grand Manan. As early as 14 August 1807, Rear Admiral George Berkeley observed that the American customs agent in Moose Island "appears to be an agent for smuggling teas and East India goods into the Colonies" and that the island itself seemed to be a receptacle for goods and a rendezvous for British deserters from the army and navy.[30]

Attempts to ban American shipping from the Maritimes prompted the board of trade and plantations to open up Halifax and Shelburne, Nova Scotia, and Saint John, New Brunswick, as free ports in 1808, which created an even larger smuggling network for American customs collectors to monitor.[31] As one newspaper noted, ship clearances from Boston to Maine increased markedly after 1808, but the enormous volume of flour, beef, pork, and other goods transported could not possibly have been absorbed by the few local inhabitants, suggesting that much of it ended up across the border in New Brunswick.[32] In 1809, Congress passed the Act to Interdict the Commercial Intercourse Between the United States and Great Britain and France, and Their Dependencies; and for Other Purposes, which further restricted cross-border trade.[33] Suddenly, there was a puzzling increase in the number of Swedish vessels carrying cargoes between New Brunswick and Maine. One of the key tenets of international law was "Free ships make free goods." Thus, neutral, Swedish-registered vessels, by definition, carried neu-

tral goods, which could legally enter American ports. In April 1813, afraid that the war would detain the *Maria* in Stockholm indefinitely, her American owners paid £2,150 to obtain Swedish papers to enable her to carry a cargo of iron and steel to Boston.[34] Once Eastport lawyer Jonathan D. Weston became a Swedish vice-consul, the transformation from Yankee to Swede was so fast, it was said that ships could sail from Eastport to Stockholm in a matter of hours.[35]

President Madison's retaliatory trade laws did more harm to the American economy than either France's or England's. Eager to fill the trade vacuum, the accommodating merchants of Atlantic Canada stepped in and prospered. Not so surprisingly, colonial customs revenues failed to reflect a corresponding increase. By April 1811, William Goodall of Nova Scotia cautioned Nathaniel Atcheson, agent to the Colonial Committees of Trade:

> Unless some steps are taken to prevent the Smuggling Trade from the American States, we shall soon be without a Customer for the principle part of the Articles that we deal in; ever since the Removal of the Embargo and non-intercourse Acts, great quantities of Teas and all sorts of India Goods . . . Gin, American Rum and many other Articles, are daily & [*sic*] illicitly brought into this Province by the Americans as well as by British Subjects residing in this Country.[36]

The political and social differences between the provinces of New Brunswick and Nova Scotia and the states of Vermont, New York, and the District of Maine were as ill defined as the border that separated them.[37] Families on one side had had relatives or trading partners on the other side since before the Revolution, and an unwanted war was certainly not going to stand between them and "business as usual." Of course, once war was declared, such traffic moved beyond evasion of customs duties to treason, but this seemed to have had little effect on either the intent or the intensity of the smuggling trade.

Although smuggling was rife along the southern and northern borders of the United States, the coasts of Passamaquoddy Bay and the Bay of Fundy were the busiest. They were dotted with dozens of islands and hundreds of sheltered bays where vessels could secretly transfer goods from one ship to another by day or night or drop off cargoes to be picked up later without fear of discovery. Despite the best efforts of British naval vessels like HMS *Bream* and *Rattler* and American Revenue Cutters like the *Commodore Barry*, it was said that the warehouses at Eastport were not only larger than any in Saint John but that more business was conducted on Moose Island in one day than went through Saint John in two months.[38]

Aiding and abetting those willing to smuggle were men like David Owen, the

titular owner of Campobello Island, who declared his property exempt from New Brunswick law and thereby created a haven for smugglers and a tidy income for himself. William Wanton, New Brunswick's first customs collector, furthered the trade by unilaterally declaring the waters between New Brunswick and Campobello neutral territory. By the time of his death in 1816 at age eighty-two, Wanton's annual income was £2,900, one-third more than the lieutenant governor's, and a clear indication that he was collecting more than his paycheck.[39]

Most American vessels that engaged in clandestine trade either falsified clearances or cargo manifests and hoped to bluff their way past curious naval or customs vessels. In 1814, for example, the *Abby* of Eastport claimed to be carrying seventeen barrels full of blubber which, on inspection, turned out to be full of English goods, oil, and boxes of herrings.[40] For a Boston captain cleared for Portland, it was a quick round trip to Saint Andrews or Saint John to pick up or offload a cargo. Such sleight of hand often involved the cooperation of dishonest or inept American customs officials, who would accept misleading manifests bearing fraudulent destinations for cargoes. When smugglers returned with forged landing certificates on which drawbacks were claimed, they demanded duties. Having made their profits shipping goods to British ports, smugglers were happy to pay the customs duties claimed, part of which went into the collectors' pockets.

A letter of marque might also disguise a smuggling operation. By prearranging a capture, a privateer could bring in a "prize" laden with American goods, send it through the vice-admiralty court, and share the profits with the owners after the ship and goods were condemned and sold at auction. In an 1817 appeal case involving a suspicious capture by the Portland privateer *Fly*, U.S. Supreme Court justice William Johnson confirmed that it was well known that British goods accumulated in immense quantities along the coast of Nova Scotia and that many unprincipled individuals used innumerable artifices to get goods into the United States.[41] He accused the British government of protecting such trade and some Americans of encouraging it, suggesting that fish and lumber traded with Havana were often used to cover the illegal importation of dry goods into the United States. It is not clear how many smuggling privateers originated in New Brunswick, but by the middle of 1813, Lt. Gov. George Smyth ceased issuing any letters of marque. After that, New Brunswick privateers such as *Hare*, *Herald*, and *Snapdragon* carried Nova Scotia commissions.[42]

Collusive capture, like licenses, also worked both ways. When HMS *Indian* captured the Boston privateer *Friendship* in July 1812, the boarding party found instructions ordering the schooner to sail to Saint John where a "Mr. A." would make secret arrangements for a mock capture. The privateer was told to sail

around the Bay of Fundy until the supposed prize came out. Then, while keeping an eye out for British and American naval vessels, they were to set up a capture by firing two or three volleys "in a sham way." There was even a sketch of a triangular pennant in blue with a white X that the privateer was supposed to fly so that the "prize" would recognize her. The *Boston Repertory* of 13 November 1813 reported that a sloop, loaded with English goods at Saint Andrews and said to be for Halifax, was actually bound to the United States, where it would be "captured" and carried in. Unfortunately, while waiting for the so-called privateer, the ship was blown ashore under the guns of the fort at Eastport and seized by Capt. Sherman Leland, who discovered a cargo worth an estimated one to two hundred thousand dollars.[43]

Maine, with its serpentine coastline and isolated villages, was a smuggler's paradise. In September 1813, Bath customs collector J. Wingate wrote to William Jones, Secretary of the Treasury, regarding the activities of a pair of American vessels commissioned as letters of marque but actually "fitted out to cruise for American property disguised as English & to bring it in & have it condemned as enemies [*sic*] property when in fact it is the property of the persons at whose expense the privateers were fitted out. The officers & men are undoubtedly employed by the month or cruise."[44]

In an attempt to bring smuggling under control, American customs officers began paying for information leading to an arrest. A successful claim entitled the informant to 25 percent of the seized goods. It also provided him with a customs certificate indicating that the goods had legally entered the United States, which allowed him to sell them openly. The smuggler's ingenious response was to fill his ship with valuable goods in Saint John, anonymously inform the customs office against himself, and allow the collector to bring his ship in for him. Once in custody, the cargo was evaluated by local court-appointed appraisers, who were, more often than not, friends of the smuggler. They would appraise the goods well below market value to ensure that the owner not only paid a lower bond to hold them but could buy back his own goods at auction for a fraction of their real value. One of the most enthusiastic participants in this double game was Jabez Mowry of Eastport, who owned warehouses on both sides of the border. In the early years of the war, he is said to have smuggled $50,000 worth of beef and pork into Nova Scotia for the British troops in Halifax. He also supplied provisions for the American garrison on Moose Island and then reported on American troop strength to the British commander at St. Andrews.[45]

The volume and value of smuggling was not lost on the courts that processed these cases. When the *Bothnea* was captured by the small Portland privateer *Washington* in late November 1813, it was found to have Swedish papers, a British

cargo, and a license from Lieutenant Governor Sherbrooke. *Bothnea*'s captain was also found with a letter from Halifax merchants John Moody & Co. explaining that "friends" had been advised and all should be well, but he would rather sacrifice the whole enterprise than let any "mischief happen to ____." As he confided, "We should not have embarked ourselves so largely in this concern, but from the ease with which dry goods can be smuggled into those places if properly managed." Moody's only worry was the small American privateers known as "shaving mills", such as the twenty-four-ton *Washington*. He urged the captain to hide his license, clearance, and the letter, but if he suspected discovery, he was to memorize the contents and destroy it. His final advice was to "let your communications be verbal."

Unfortunately for Moody, the letter was found, the case was heard, and, for a variety of reasons, appealed to the Supreme Court. Suspecting collusion between the captors and the prize but unable to prove it, Judge Johnson reluctantly awarded the *Bothnea* to the *Washington*, stating, "It is a notorious fact, and it is expressly and repeatedly sworn to in this case, that during the restrictive system and the late war, English ports on the west coast of Nova Scotia, and it is a melancholy truth . . . that many unprincipled individuals were actively engaged in introducing these goods into the United States, under innumerable artifices, and to an immense amount."[46] Such unprincipled trade, he added, was also conducted from Amelia Island off Georgia, another area where there were plenty of isolated harbors and sympathetic citizens.

Even if a smuggler were captured, the chances of a trial, let alone a conviction, were slight. So widespread was the practice and so closely knit were small coastal communities like Eastport, that the likelihood of finding anyone willing to testify against his neighbor was practically nil. Dismayed at the "venality and baseness of our own citizens," Niles reported that there were at least two hundred "moral and religious" Americans in Halifax in direct and open communication with British smuggling enterprises.[47] Owing to the covert nature of smuggling, it is impossible to calculate the value of goods smuggled back and forth across the Maine–New Brunswick border by sea, wagon, and sled over the course of the War of 1812. One historian suggests that this illegal trade constituted "nearly all the tea; three-quarters of the wine; nine-tenths of the spirits; seven-eighths of the soap and candles; most of the indigo, starch, mustard, tobacco and cottons; all of the nankeens, sailcloth, cordage and anchors."[48]

There is no doubt that smuggling was widespread, profitable, and not confined to the fringes of maritime society.[49] In December 1814, Moses Adams, sheriff of Hancock County, was found guilty of smuggling British goods into Eastport in

a "false-bottom wagon,"[50] while certain customs officers were also suspected of abusing their positions: "There are men we are credibly informed, who have made more money since the war by their offices, than the salary of the President of the United States!"[51] Accusations of spurious commissions, prearranged captures, and furtive behavior abounded, especially against the smaller whaleboat privateers that could easily hide in the many tiny inlets of Passamaquoddy Bay. In an attempt to resolve the problem, on 21 January 1814, Secretary of State James Monroe ordered customs collectors to stop issuing letters of marque to vessels carrying fewer than twenty men. Despite the government's best efforts to halt smuggling, they never quite succeeded.

The Privateering Business

Legitimate and potentially more lucrative than trading under license or under cover, privateering offered the ideal combination of self-interest and self-protection. Ship owners who found their regular trade dislocated by war could load on additional guns and larger crews and apply for a letter of marque and reprisal. They could then decide whether the ship would cruise or voyage. Privateers cruised. This meant strengthening a ship to allow for additional cannons and emptying the cargo hold to accommodate a much larger crew who were paid in pre-agreed shares of their anticipated prizes. Alternatively, the owners could hire a few extra hands, pay them wages, and undertake a regular trading voyage with a letter of marque to entitle them to any enemy ship that might sail within reach. From July 1812 to February 1815, hundreds of private armed vessels from the United States, the British provinces of New Brunswick and Nova Scotia, England, and the Caribbean served as counterweights to the national navies on both sides, turning the shipping lanes from Newfoundland to the West Indies, Norway to West Africa, the South Pacific and even as far as China into their hunting grounds.

North American seafaring communities understood private armed warfare, having seen it used to great advantage during the French and Indian Wars and the American Revolution. In fact, some early practitioners, such as Simeon Perkins of Nova Scotia, the Crowninshields of Salem, and the Rikers and Schenkes of New York, were still in the shipping business thirty years later when the threat of war arose again. Privateering had been so popular in the American colonies during the Revolution that one estimate suggests that between two and three thousand letters of marque were issued and 2,100 British prizes taken.[52] George Washington is said to have owned a share in a privateer, and William Jones, later Madison's secretary of the navy, may have sailed on one.[53] Thomas Jefferson, although op-

posed to a national navy, shrewdly recognized the value of private armed vessels. Regarding the prospect of war with Britain, in August 1812, he predicted, "Their fleet will annihilate our public force on the water, but our privateers will eat out the vitals of their commerce."[54]

Neither piracy nor national defense, privateering was a business with prize money as the bottom line. Even though Great Britain delayed declaring war until 13 October 1812, the mere threat of Britain's "thousand-ship navy" was enough to keep most American shipping tied firmly to the dock. The more entrepreneurial, however, recognized the possibilities of converting empty ships into private predators and idle crews into highly motivated privateers working for prize shares instead of wages. By providing a wartime outlet for employment, investment, seaport services, and the sale of prize cargoes, privateering offered the win-win prospect of serving one's country while serving oneself.

Building and outfitting privateers created jobs for sailors, suppliers, and shipbuilders who faced certain hardship due to the unavoidable wartime decline in trade. Privateering supplied local markets with necessities and luxury goods that were otherwise unobtainable, at least legally. Last but not least, it inspired maritime communities all along the eastern seaboard with dreams of plump prizes and easy wealth. Unlike naval squadrons, however, privateers tended to operate singly or in pairs according to their own agendas, which meant they chose their opponents carefully and only attacked ships that they felt they could capture with cargoes they considered worth their while.

In June 1812, the U.S. Navy was a shadow of its Revolutionary War self, reduced to a mere handful of frigates and a few smaller ships of war. Given America's far-flung commerce and the thousands of miles of coastline to protect, the chance of a seventeen-vessel navy being able to safeguard "free trade and sailors' rights" was slim; doing so while fending off hundreds of British naval vessels without losing any of their own, impossible. Although the U.S. Navy proved embarrassingly capable against the Royal Navy in single-ship combat, they were too few to present more than a token defense. In fact, in order to preserve his tiny fleet, U.S. secretary of the navy Paul Hamilton ordered naval captains to focus on attacking enemy commerce and avoid engaging British naval vessels unless they were confident of victory or unable to avoid it.[55] Even before war was declared, a contemporary newspaper observed that the American navy was "too small as an instrument to chastize England, or to afford our coasts and commerce any valuable protection against her. The arming of merchantmen meets our peculiar approbations."[56] It was, therefore, up to privateers and armed traders to provide essential commerce raiding services.

Faced with limited trade prospects, many ship owners, investors, and sailors saw privateering as an economic opportunity with great potential for both risk and reward. Their government-issued letters of marque and reprisal authorized them to "subdue, seize and take" any enemy shipping they could catch and, once adjudicated as a good prize, to keep the proceeds from the sale of ship and cargo.[57] At a time when a regular shipping voyage might earn a captain fifty to sixty dollars per month and an ordinary seaman five to ten dollars per month, the prospect of sharing thousands of dollars worth of prize money was irresistible.

Since most merchant vessels were already armed for protection against pirates and other predators, transforming a merchant vessel into a privateer was a relatively straightforward proposition and usually cheaper than building one. An armed trader needed only a few guns, a basic crew, commercial cargo, and, of course, a letter of marque. Outfitting a merchant ship for privateering involved a more extensive investment. Sails and rigging might be changed from sloop to schooner rig for better speed and maneuverability, decks usually had to be reinforced to counter the additional weight and recoil of guns, railings and stanchions were sometimes rebuilt for strength and protection against flying slivers, and cargo holds were expanded where possible to accommodate the larger crews required for privateers. Fortunately, there was less need for storage space, since privateers were usually victualed for relatively short two- to three-month cruises and counted on decreasing their crews through manning prizes.

Depending on the size of the vessel, six-, eight-, or twelve-pounder guns were often added to increase the odds of capturing a reluctant prize. The 122-ton schooner *Thomas* of Portsmouth with a crew of ninety carried ten carronades and two swivels, while the similar-sized *Bona* of Baltimore carried only five guns and seventy men. Since smaller vessels tended to rely on speed and ship handling, the addition of a single nine-pound Long Tom gun or a swivel gun or two at the bow and stern added extra firepower at little cost.

It was not uncommon for privateers to add to their ordnance as they went along. The *Paul Jones*, pierced for seventeen guns, left New York in July 1812 with a full crew of 120 men but only three guns. The resourceful captain John Hazard filled his empty gun ports with wooden timbers painted black and mounted on buckets to intimidate would-be prizes.[58] He managed to fool the *Hassan* (from London to Havana with $250,000 worth of dry goods) into surrendering without a shot and rearmed his privateer with *Hassan*'s fourteen guns. While Hazard went on to take more ships, his now-defenseless prize was recaptured a few days later by HMS *Garland* and sent into Jamaica.[59] Lacking Captain Hazard's creativity, *Saucy Jack*'s Charleston owners resorted to offering a $300 reward for information

leading to the capture of the person or persons who spiked seven guns left lying on the dock while the ship prepared for sea.[60]

Jerome Garitee's study of Baltimore privateers indicates that a merchant ship could be converted to a first-class privateer in four to six weeks for approximately $25,000,[61] although the fifty-three-ton schooner, *Young Eagle* commissioned in New York in July 1812, is reputed to have cost a mere $9,000 and earned her owners $199,000 on her first cruise.[62] Clearly, the size and intent of the vessel influenced the cost of outfitting it. On 25 July, a beautiful, fast-sailing, 220-ton privateer schooner was launched in New York just four weeks after the keel was laid.[63] Another contract for a sixty-foot privateer from Providence, Rhode Island, had a thirty-day completion date.[64] According to the builder's contract, dated August 1812, the 233-ton, twenty-two-gun *Harlequin* of Portsmouth was divided into seventy-five shares split among forty-one investors. It was to be built in ninety days at a cost of $25 per ton.[65] The *Tryal*, a twenty-five-ton schooner crewed by thirty men with two guns cost her Bath, Maine, owners $1,026.96 in August 1812. Each of her eleven owner/investors received one share worth $175.12, but after two weeks at sea and no prizes, the *Tryal* retired from privateering.[66] Two weeks into her first cruise, *Tartar* of Baltimore ran aground in a fierce December snowstorm off Cape Henry in 1813, with the loss of six men frozen to death and several more "frost bit." She was said to have cost her owners $50,000.[67]

Once rigged, armed, victualled, and crewed, however, privateers were anxious to depart, and any delays in acquiring letters of marque were met with protest. In May 1813, Joshua Brown of Baltimore, owner of the fifty-five-ton schooner *Hazard* (3 guns, 45 men), complained to the collector of customs in Charleston that not only had he spent $45,000 to outfit the privateer, it was costing him $200 a day to maintain his crew while waiting for his next letter of marque.[68] Under her first commission, *Hazard* took nothing, but on her second, she captured the large ship *Albion* (12 guns, 25 men) with a valuable cargo of rum, cotton, and coffee from Demerara that sold for $91,000.[69] Hopefully, this profit repaid Brown's initial investment because his ship was captured in 1814 without making another prize. Investing in privateers came with no guarantees, but for many, the risk seemed worth it, at least in the early months of the war.

Although the prospect of windfall profits was initially enough to encourage a privateering venture, the governments of Britain and America offered an additional incentive known as head money. Section 9 of the U.S. privateer act offered twenty dollars for every person aboard an enemy ship at the commencement of an engagement "which shall be of equal or inferior force" to be divided like other prize money.[70] As the war progressed, however, and American privateering inter-

ests fretted about declining prize numbers and, therefore, profits, Congress passed a bill raising the bounty to twenty-five dollars. The increase was an attempt to encourage privateers to send in British crews rather than release or ransom them, since there were more Americans held as British prisoners of war than vice versa, and the U.S. needed sailors to exchange. When this failed to do the trick, the amount was raised to one hundred dollars per head in March 1814, despite the objections of some members of Congress "to revive the drooping privateer system."[71] Since Britain had a surplus of prisoners to feed, there was no need to raise their bounties. Thus, British privateers and naval vessels continued to receive the same five pounds per head throughout the war, like the men of HMS *Charybdis*, who were awarded £330 plus interest of £3.14.3 for the sixty-six men they co-captured with the privateer *Blockade* on 31 October 1812.[72]

ATLANTIC CANADA'S PRIVATEERS

While, in theory, the naval might of Great Britain protected them, New Brunswick, Nova Scotia, and the rest of British North America were, in fact, nearly as vulnerable as their American counterparts in terms of seaborne defense.[73] The Royal Navy may have had hundreds of ships in service, but most of them were employed fighting Napoleon's forces in Europe until 1814 and could not be spared for a "minor" war that the British expected to be either resolved or won within weeks. Despite Vice Admiral Herbert Sawyer's pleas for more ships and men for the Canadian provinces, the admiralty grudgingly allowed him only a couple of superannuated frigates and some smaller warships, most of which sailed off to protect Britain's Caribbean trade from November to March.

It took nearly a week for news of the war to reach the provinces, and Britain did not officially declare war against the United States for a further four months, but that did not stop dozens of American privateers fitted out in New York, Boston, Salem, and other ports along the eastern seaboard from immediately seizing British and colonial vessels. According to Niles's list of American prizes taken throughout the war, the first British vessels were captured on 4 July 1812 and sent into Salem by the thirty-ton privateer *Fame*. Sailing from St. Andrews, New Brunswick, to England, the 219-ton *Concord* was heading back to Plymouth laden with spars, masts, and lumber, while *Elbe*, a 220-ton brig, was carrying flour and naval stores to Liverpool. Since the prisoners outnumbered the captors, *Concord*'s crew were quickly dropped off in Machias, Maine, to make their way back to British soil.[74]

Britain's reluctance to enter the war created a serious legal problem for provincial privateers. Deterred but undaunted, provincial ship owners clamored for

some sort of official commission to defend their trade from American privateers already swarming their shores. On 25 July, the *Saint John City Gazette & General Advertiser* listed more than a dozen privateers from Salem (7), Philadelphia (4), New York (2), Newburyport (1), and a couple from France that had arrived at Baltimore. A few weeks later, Lieutenant Governor Sherbrooke attempted to counter this threat by issuing carefully worded letters of marque against France "and other enemies of His Majesty" to the first few Atlantic privateers. Although they were just supposed to bring their prizes in to be dealt with at a later date, these commissions finally turned the *General Smyth* and *Liverpool Packet* loose among dozens of American predators.[75] Obtaining title to these early prizes turned out to be tougher than the actual captures, and their claims lasted nearly as long as the war itself. In fact, it wasn't until 3 June 1814 that a king's warrant was issued allowing Enos Collins and the other owners and crew of the *Liverpool Packet* full title to seventeen prizes captured and condemned as droits of the Crown two years earlier and sold for £27,075.1.8 (less the "just expenses of government" and two-and-one-half percent in lieu of duty).[76]

Once news of the British declaration of war reached Atlantic Canada, the pace of privateering picked up. In 1813, eighteen private armed vessels from New Brunswick and Nova Scotia accounted for 110, or 35 percent, of the 359 prize cases heard by the vice-admiralty court. By 1814, the volume of prizes and, thus, the number of court cases decreased by nearly half. That year, about two hundred cases passed through the Halifax court, sixty of them brought in by ten different privateers. Only four Nova Scotia privateers thought it worth continuing to prowl the icy waters of the North Atlantic in 1815, but their half-dozen prizes were all condemned by mid-February.

During the War of 1812, New Brunswick fielded eleven privateers armed with one or more letters of marque, or roughly one-third of all the privateers commissioned in Atlantic Canada. The twenty-two prizes they brought in, however, represent slightly less than 10 percent of the 212 captures by provincial privateers. The *General Smyth* of St. John, New Brunswick, brought in the first private prize of the war, recapturing the Newfoundland brig *Penelope* from the American privateer *Orlando* on 3 August 1812. Four prizes taken on that first ten-week cruise earned her investors £7,119, more than repaying investors and ensuring two more cruises, although no more prizes.[77] Other Saint John–based privateers like *Dart*, *Star*, and *Hare* were also reasonably successful, with *Dart* responsible for eleven prizes. Unfortunately, *Comet*, *Herald*, *Minerva*, *Sir John Sherbrooke*, *Snapdragon*, and *Union* appear to have taken no prizes at all. *Buckskin*, owned by Saint Andrews interests, enjoyed a similarly short and unsuccessful career.

The bulk of Atlantic Canada's privateers came from the Nova Scotia ports of Halifax (11), Liverpool (14), Annapolis (2), Pictou (1), and Lunenburg (1), ranging in size from the 22-ton *Crown* to the 322-ton *Edward* (both of Halifax). Of these, nineteen brought 189 prizes before the vice-admiralty court. Four other privateers based in Great Britain and Barbados but operating out of Nova Scotia did their part to keep New England merchants on their toes, although none managed to secure any prize money. Compared to the outstanding success of the *Liverpool Packet*, the performance of the other forty colonial privateers seems a bit lackluster. Fewer than half took any prizes at all, and only fourteen, or roughly one-third, made more than one cruise.

This may have been a function of size rather than skill, however. Compared to the most successful American privateers, colonial privateers were relatively small, with only ten, or roughly 25 percent, rated between 100 and 200 tons, which was the optimal size of a successful privateer. Smaller crews and fewer guns further limited the number and type of vessels they could capture. Intimidation was the privateer's first line of attack, and a fifty-ton privateer with a couple of guns posed little threat to a large, well-armed merchantman. With profit not patriotism as their raison d'être, privateers were not interested in risking their lives or their vessels if they could avoid it. Damaging the ship or its cargo lowered the value of the prize they had to share, while damaging their own ship cost time and money for repairs and delayed their return to sea. Injury and death among the crew were bad for morale, if nothing else, and made it harder to recruit new sailors.

While the privateers themselves may have had limited success, the actual profits from prizemaking filtered into provincial coffers through the medium of the vice-admiralty court. Ongoing deliberations around ownership of the forty-two prizes captured by naval and private armed vessels prior to the British declaration of war generated enormous fees. The marshal's bill for custody was £3,980, or an average of 252 days each. At seven shillings, sixpence per vessel per day, the shortest stays were ten days for the *Nautilus* and twelve for *Curlew*. At the other end of the scale, *Minerva*, *Malcolm*, and *Enterprise* were each held for 298 days. Cost for the shipkeeper, who kept an eye on the vessels' safety for five shillings per day, amounted to £1,871.10. It is no wonder prize agent John Dougan complained of excessive costs, since one-third of the prizes (12) were small privateers under fifty tons with no cargoes, one-third were in ballast, and the remainder carried cargoes of salt, coal, cotton, oil, lumber, and flour that were not especially high-value trade goods.[78]

With profit as their incentive, privateers usually preferred captures over recaptures. The latter earned a privateer only the salvage value of the prize and cargo rather than the whole, but as far as New Brunswick and Nova Scotia privateers

TABLE 3.1
Provincial Privateers

Tons	Types	Vessels	Men	Guns	Prizes
500 +	ship	1	40	14	0
300–499	brig	1	25	9	0
200–299	ship	1	25	10	0
	brig	2	175	28	0
100–199	ship	1	45	3	1
	brig	2	55	22	0
	schooner	6	325	37	30
50–99	ship	1	45	3	1
	brig	0	—	—	—
	schooner	11	400	44	138
	lugger	1	16	6	0
Up to 49	ship	0	—	—	—
	brig	0	—	—	—
	schooner	5	150	14	18
	sloop	3	110	6	17
	jebacco boat	1	?	2	0
Unknown		8	?	?	?
Total		44	@ 1406	@ 216	@ 205

Note: The majority of provincial private armed vessels (22) were schooners under 100 tons, which accounted for 80 percent of prizes captured.

were concerned, recaptures were usually easier. Besides, one-sixth of the prize value was better than nothing, especially when the original owners, not the recaptors, were obliged to pay court costs. Naval vessels received one-eighth of the value on recapture but looked upon prize crews as potential "recruits." The Royal Navy also earned praise for recapturing five prizes from the U.S. Navy. One of these, *Adeline* of Bath, Maine, had been taken by HMS *Avenger*, recaptured a few days later by USS *Constitution*, and finally reretaken by HMS *Statira* and her crew, who earned £8,000 for their efforts. The vice-admiralty court of Halifax adjudicated 130 recaptures, which accounted for 24 percent of the 500 prizes taken by the Royal Navy and 5 percent of the 212 prizes taken by privateers during the war.[79] Almost no recaptures are recorded among the more than 1,900 American prizes. Fewer than twenty vessels appear to have been retaken from the Royal Navy or provincial privateers, although several prizes changed hands two or three times.

Whether capture or recapture, the custody and court process ensured that the equation of prey equals pay contributed significantly to the overall economy of Nova Scotia and New Brunswick beyond the actual capture of a prize.

AMERICAN PRIVATEERS

Privateering was a low-cost wartime weapon that delivered a psychological blow as well as an economic one. By trumpeting privateer captures and downplaying any losses, patriotic newspapers raised morale and encouraged others to participate. Early American successes deprived Britain and her colonies of ships, crews, and cargoes; the effects of these captures ranged from moderately annoying and embarrassing the British to causing them real shortages, rising costs, and skyrocketing insurance rates. Since colonial privateers were unable to retaliate, at least legally, without a declaration of war, and with only a few Royal Navy vessels to bother them, U.S. privateers enjoyed free reign for the first four to five months of the war, and they made good use of it. The first commissions were issued in Salem on 1 July 1812 to the thirty-ton schooner *Fame* and the even smaller *Jefferson*, a twenty-two-ton sloop owned by George Crowninshield and converted from yachting to privateering in a matter of weeks. Both went on to distinguish themselves during 1812 with shares in eleven and twelve prizes, respectively.[80]

For some privateers, pride was a stronger motive than either profit or patriotism. Possession of commission number 1, for example, was as hotly contested as any capture. President Madison intended it to go to Joshua Barney of Baltimore as a sign of respect. Barney had been an officer in the Continental Navy and after the American Revolution had served with the French navy, earning the honorific title of commodore. By July 1812, he was captain of the privateer schooner *Rossie*. On 9 July 1812, George Stiles of Baltimore wrote a snide letter of protest to Secretary of State James Monroe. While war was still a rumor, Stiles and his sons had gone to considerable effort to prepare "a privateer of superior grade called the Nonsuch." When no commission was forthcoming, his son went to Washington to meet with the president and request the first commission, since theirs was the first privateer ready. When Stiles learned that Barney was to receive Commission No. 1 or "one of superior rank," he was furious. He demanded to know what entitled Barney to preference, since he, too, had served in the Revolution and was equally respected. He claimed Commodore Barney's rank had been earned in the service of a foreign nation and hoped that Barney's pro-war political affiliations had not influenced the president's decision. Not only was Stiles mortified that the president would interfere with his right to the first commission, he was afraid that if there were two commissions with the same number, his captain and crew, if

captured, might be considered as pirates.[81] Despite Stiles's objections, the letters of marque for *Nonsuch* and *Rossie* both bore the number one, with *Nonsuch*'s dated 10 July and *Rossie*'s the day after.

In January 1813, after one cruise under Capt. Henry Levely and three prizes, *Nonsuch* was sold to the U.S. Navy. *Rossie*'s first cruise, under Barney, sent in seven prizes. Once Britain declared a blockade of the Delaware and Chesapeake Bays in December 1812, Barney left privateering to offer his services to the U.S. Navy. By the time the British fleet under Sir George Cockburn anchored in Hampton Roads a few months later, Barney, newly appointed captain, was in command of the naval forces defending the bay. Without Barney, *Rossie*'s unsuccessful second voyage as a letter of marque ended in capture in August 1813.

The first swath of American letters of marque ranged from schooners and brigs to ships and boats, from the tiny two-ton schooner *Favorite* of Portland to the 555-ton ship *Jacob Jones* of Boston. In all, from July 1812 to the end of December, 227 privateers obtained one or more letters of marque, representing one-third of the total number of privateers commissioned during the course of the war. Of these, 138 privateers captured no prizes during the first six months of the war, and a further twenty-eight took only one prize. This means that roughly 73 percent of vessels commissioned during 1812 failed to earn enough to justify their cost. Yet, probably thanks to Niles and his colleagues in the press, this dismal success rate didn't seem to discourage others from following suit.

Soon, newspapers were carrying stories of spectacular captures, enhanced by excerpts from ships' logs, letters from grateful captives, and ads for prize auctions of valuable ships and cargoes. The first and only cruise of the *Young Eagle* of New York in July 1812 earned her investors a dividend of $645 per share or a clear profit of $425 per share.[82] *High Flyer*'s first cruise is said to have earned her Baltimore owners $200,000,[83] while the *Dolphin* of Salem had earned $19,457.47 by November 1812. It took a full year, but in 1813, $60,000 worth of cargo aboard one of *Dolphin*'s early prizes was condemned to the captors.[84] The fortunes, or misfortunes, of *Bona* of Baltimore were probably more typical. The log of her first cruise records six fruitless weeks spent practicing with the guns and trimming the ship and sails. Gales and cold weather dogged the second cruise, forcing Capt. John Dameron to turn his sick and mutinous crew southward, where all they managed to capture were a small mail packet with twenty bags of mail and another little schooner that was almost immediately recaptured.[85] But for every *Bona* there seemed to be an *America*, whose 170 men shared nearly $25,000 in prize money as their half of the proceeds from the sale of the aptly named *Hope*.[86]

Although still enthusiastic about prizemaking, slightly fewer American priva-

teers were sending in prizes by the end of 1813. Just over two hundred privateers received 270 commissions (since some cruised multiple times) and seized roughly 450 prizes, although a great many were either recaptured or destroyed. The increased number of prizes burned or sunk rather than sent in to port for adjudication reflects the gradual tightening of the British blockade of North America and the realization that manning prizes had become too dangerous to be cost-effective. Chances of a small, four- or five-man prize crew reaching port were so slight, especially for ships captured in European and African waters, that it was safer to divest a ship of its crew and cargo and destroy it. Unfortunately, not only did this strategy reduce privateer profits from the eventual sale of the captured ships, it also meant relinquishing more prizes as cartel vessels to carry captured crews into various ports, thereby reducing income from potential ransoms. It did, however, reduce the likelihood of recapture by the enemy's navy or privateers and preserved whatever valuables they could carry home for eventual adjudication. Thanks to the blockade, by the end of the year, sea traffic was reduced to little more than a trickle, and prey grew scarce for privateers on both sides of the conflict.

In 1814, only 123 American privateers requested commissions (half of the previous year's tally), and a mere handful took out a second commission for another cruise. Nevertheless, *Ann Dorothy,* captured by the Boston privateer *David Porter* on her first cruise in 1814, earned investors half of the $59,033.41 proceeds after expenses.[87] When divided among the crew, each of the eighty-five shares was worth roughly $300, the equivalent of more than two year's wages, earned in a single cruise. Proof of the declining value of privateering by 1814, literally hundreds of the seven hundred prizes taken were recaptured, ransomed, given up, or destroyed. By 1815, although the privateers were not yet aware of it, the war was over. Some sixteen optimistic American privateers requested new commissions in 1815, even though only sixty prize vessels actually reached port that year, with the rest being recaptured, released, ransomed, or sent in as cartels.

EYES ON THE PRIZE

Prize money was the glue that held privateering together. The lure of rich prizes made recruiting a crew a simple matter of placing an ad in the local paper, identifying the ship and number of men required, and naming a rendezvous where men could register. In early July 1812, a Philadelphia privateer captain supposedly had so many seaman offering their services as "volunteers" that they had to draw lots, and in less than an hour, his ship was full "of choice men without any bounty."[88] A ship with a proven track record, or even a new ship with an experienced captain, could be quickly filled. As the war went on and prizes diminished, however,

TABLE 3.2
U.S. Letters of Marque

Tonnage	Types	Vessels	Men	Guns	Prizes
400 +	ship	4	399	63	16
	brig	2	266	30	9
	schooner	1	27	4	0
300–399	ship	8	544	108	29
	brig	11	793	116	91
	schooner	17	1,386	167	120
200–299	ship	11	578	98	28
	brig	24	1,478	221	89
	schooner	86	5,053	657	324
	sloop	2	165	22	1
	lugger	1	28	4	0
100–199	brig	28	1,571	201	100
	schooner	106	5,309	570	316
	sloop	4	128	19	6
	xebec	1	65	2	24
	unknown	1			
50–99	brig	1	50	5	0
	schooner	82	2,903	229	123
	sloop	15	511	53	23
	xebec	1	50	6	1
	boat	1	12	4	0
	unknown	2			
0–49	schooner	86	2,182	150	73
	sloop	15	403	32	22
	boat	35	152	13	11
	other	5	152	6	1
? tons	brig	11 +			
	schooner	18 +			
	sloop	1 +			
	boat	11 +			
Total		592 (601)	@ 21,509	@ 2,428	@ 1,400

Note: Since the data are incomplete, I have used the largest number of men and guns noted for ships with more than one commission or cruise to give an estimate of the amount of manpower employed. Only carriage guns rather than swivels have been counted as guns. In the appendix, the number of privateers making prizes is listed as 601 and the number of prizes brought in closer to 1,900 than the 1,400 numbered here. The majority of prizes were taken by vessels of 100–199 tons.

recruiting became more difficult. Even the successful *Fox* of Portsmouth was unable to fill her complement from Portland in April 1813 and had to search for a crew elsewhere. She must have managed to do so, since she captured sixteen vessels on that cruise.[89] Men could be advanced money on the basis of future shares, making the prize-sharing agreement not unlike a joint stock enterprise, according

to one writer, with crewmen buying and selling their share certificates.[90] In one case, prisoner of war John Baker Jr. of Baltimore wrote to his parents on 4 May 1814 to ask for $50 (£12.10) out of his prize money to be sent to him at Dartmoor via his father's business contacts: "I am very anxious to know how You all are and how much my prize money Amounts too [*sic*] as Captain Spires tells me that it is Considerable if Mr Eclebach is at home ask Him if he will be so good as to send me something As it will be very acceptable at present." Given the harsh conditions faced by American prisoners of war, it is no surprise that the twenty-five-year old Baker was as concerned about his money as his parents. His dream was to have enough to purchase "a place in the county" when he returned home.[91]

Some stories were particularly heartrending, and, occasionally, compassion overcame profit when deciding the fate of a prize. In July 1812, Portland's first prize of war to reach port was the fishing boat *Queen*, a joint capture by the *St. Michael* of Portland and the *Polly* of Marblehead. An example of the high personal cost of economic warfare, *Queen*'s owner was an "elderly" man whose fishing boat was his only means of supporting himself and his twelve children, two of whom were taken captive. Given the prize's insignificant value, Captain Edgecomb of the *St. Michael* was willing to give it up, but Captain Le Favour of the *Polly* insisted it be brought in. In return for destroying a family's livelihood, according to the newspaper, after the boat was condemned and sold and court fees paid, the captors were likely to receive no more than twenty-five cents a share. This sad news was relieved by a note from George Cann, master of the *Queen*, thanking the citizens of Portland for their efforts on his behalf and, after they failed, for providing him with a sum of money for the relief of his aged father, his family, and himself.[92]

A month later, the *Benjamin Franklin* (Capt. Josiah Ingersoll) of New York, captured the *Industry*, "a little old black sided schooner of 38 tons . . . almost rotten and crazy . . . and the sails and rigging nearly worn out." *Industry*, it was discovered, belonged to an old woman from Newfoundland, "apparently upwards of fifty," recently widowed with four children; the boat was their sole source of income. Reprinting the sad story from a New York paper, the *New Brunswick Courier* applauded the privateer's owners for offering to arrange for the sale of the cargo and to return the proceeds and the vessel to its original owner.[93]

Fair or not, the economic impact of privateering echoed throughout every maritime community. In his analysis of the Baltimore privateering business, Garitee suggests that while privateering as a whole was not profitable, some investors, usually the larger, wealthier ones, tended to make money.[94] In fact, even an unprofitable voyage still employed the businesses that supplied the ships, the

sailors, and the ships' agents, as well as the auctioneers and court staff. He suggests that, directly or indirectly, as much as one-fifth of Baltimore's population was positively affected by privateering. In a similar study of privateering in Portsmouth, New Hampshire, Richard Winslow III states that thirty-four prize sales conducted by local auctioneer Samuel Larkin during the War of 1812 pumped $2,234,508.81 into the Portsmouth economy. Moreover, Larkin's fees apparently enabled him to support a family of twenty-two.[95] The war also had unexpected social costs. As one newspaper put it, "—*Dull Times*!—Every kind of business is injured by the war. Sunday before last *there was not a single intention of marriage published!*—an occurrence which has not taken place since the last war."[96]

Among the hundreds of people involved in privateering in a region, many were interconnected through a network of family, community, and business relationships. Privateering was such a pervasive element in the small Nova Scotia community of Liverpool that when William King Reynolds, the agent for the Swedish owners of *Falun*, sought an unbiased appraisal for the ship and cargo captured by the *Liverpool Packet* in January 1814, he asked that the prize be moved to Halifax. As he argued, "most of the respectable people in Liverpool are interested in the *Liverpool Packet* and *Retaliation* and tho [*sic*] they are in the opinion of your petitioner honest men, yet he most humbly conceives that they may be prejudiced by their interest."[97] There is no reason to think that New York, Salem, Philadelphia, and Portsmouth were any different.

PRIVATEERING OUT OF NEW YORK

According to my research, at least 107 vessels carried New York commissions during the course of the war, with a few more owned elsewhere and sold to or commissioned by New York interests during their career. Every vessel required food, supplies, arms, rigging, loading, and all the other port services necessary to get a ship to sea. These privateers carried nearly six thousand men,[98] many of whom were from the New York area, if not the city, and were consumers of whatever goods they would need on a voyage as well as whatever they might buy with their prize money on their return. There were also nearly two hundred investors and owners who contributed to the outfitting of these privateers with some expectation of reimbursement.[99] Whether solely owned or shared by a consortium of several men (and the rare woman), vessels were required by law to post a bond for good behavior; $5,000 for a crew of up to 150 men (all but three New York vessels), and $10,000 for a larger vessel.[100] Usually, two bondsmen shared the obligation, often merchants or wealthy ship owners, although not always owners of the ships they agreed to bond. In this way, investors like George M. Ferris Jr., who served as

first lieutenant aboard the *General Pike* and as master of the *Rover*, might parlay their winnings into ownership of a ship. Ferris became part owner of the *Teazer* and shared bonds for three other vessels as well as his own. James K. Hamilton, who owned shares in six privateers, was not a bondsman for any, while Benjamin Huntington put up bonds for three New York vessels but was not a shareholder in any. The major New York investors were Abraham Riker, shareowner or bondsman for nine letter-of-marque vessels; Abraham Lawrence, involved in seven; and Samuel Adams, in six. Using Garitee's investment categories of marginal (one-time investment), moderate (two to three times), and active (four or more), New York had 124 marginal investors, 39 moderate, and 13 active investors.

Although there is not enough information to determine the value of this investment in New York, it was more tentative than Baltimore's and, therefore, probably less profitable. For example, of New York's more than one hundred letter-of-marque vessels, eighty-seven sailed only once, while only five undertook more than four voyages. According to Garitee, Baltimore fielded a similar number of privateers (125), but at least half (67) made single cruises, and eight made four or more. About one-third of New York's privateers (36) actually took one or more prizes, for a total of 283 known vessels. This total was further reduced by the Royal Navy's recapture of 46 prizes, the destruction of 73 through burning or wreck, the release of 17 as cartels, and a further 19 divested of their goods and allowed to proceed. Seven more prizes were ransomed and returned to their crews, leaving 121 New York captures sent into prize courts from France to the United States and from Maine to Virginia.[101] These captures ranged from single ships to the forty-one vessels credited to the *Prince of Neufchatel*, although only seventeen of the latter actually made it into port.

The inexact wisdom of almost everything about privateers suggests that roughly one in three prizes ever made it in, let alone to court, but New York, with a 42 percent arrival rate, seems to have exceeded the norm. C. S. Forrester has estimated that the average value of a prize was approximately $25,000. This would mean that New York prizes were worth roughly $3 million, not counting the profits from sales of cargoes removed from ships that were destroyed or released.[102] While this may be an overstatement, it does highlight New York's important contribution to the war against trade.

If calculating privateer profits is speculative, determining loss is even more dubious. Of 107 vessels carrying New York commissions during the course of the war, 47 were captured by the Royal Navy, 5 more were lost or captured by enemy privateers, 1 was sold out of service, and 4 were recommissioned. Not only did this represent a loss of half of New York's privateers, almost all of them taken out of action on their

first cruise, it also meant the death, injury, or imprisonment of hundreds of men and the loss of tons of guns, ships, and supplies. Aside from reducing the crew's incentive for multiple voyages, such losses eroded investor confidence.

The gradual tightening of the British blockade in 1813 was no doubt the deciding factor in the decline of New York privateering. At one point, 140 merchant ships sat at anchor in the harbor. Where shipping worth nearly $16 million had moved through the port in 1806, by 1813 the volume was down to $60,000 (roughly the value of a fine prize) and, with it, the number of captures.[103]

With access to the Atlantic from both sides of Long Island, privateers still managed to come and go from New York with relative impunity, but lack of profits reduced enthusiasm among investors and crews alike. From July 1812 to the end of December, forty New York privateers received commissions, with a further thirty-seven new vessels commissioned in 1813. In November 1813, shipowner Henry Fulford of Baltimore wrote concerning his hopes for the letters of marque *Transit* and *Patapsco*. *Patapsco* carried 1,075 barrels of superfine flour and 48 barrels of navy bread, plus 25 barrels of flour on Fulford's own account, which he felt would sell for $7 per barrel. Meanwhile, he was hoping to load another vessel for the West Indies, although "suitable guns for an armament are not to be had." Weighing his options, he confided that although he had a lot at risk, "if nerve lasts, I mean to run the risk. If two of the three arrive safe, I wought [*sic*] to make money."[104] By the end of that year, generally poorer returns may have dissuaded at least twenty-one vessels from requesting a second letter of marque in 1814.

Still unconvinced, at least thirty others applied for commissions, and some, like the 220-ton *Saratoga*, owned by Abraham Riker's son Andrew, continued to send in prizes. By then, access to the Chesapeake was virtually impossible, so Baltimore-based privateers like *Burrows*, *Diamond*, *Harpy*, and *Hollins* moved north to sail under New York commissions. Unfortunately, *Harpy* was the only one to repay her investors that summer.[105]

The private nature of private armed warfare makes calculating the economic value of privateering virtually impossible. Those who were successful were inclined to overestimate their gains, while those who weren't generally underreported their losses. Newspapers may have been the worst offenders. Enemy vessels were almost always reported as carrying more men and guns than were actually on board at the time of capture, and the value of their cargoes was invariably inflated. A recent archaeological study of prize goods auctioned in Salem in 1813 sheds fresh light on the discrepancy. In December 1812, the British brigantine *Ann* from Liverpool to New Providence, Bermuda, was taken by the privateer *Growler*. The *Essex Register* estimated the value of 250 crates of china, identi-

fied as Liverpool ware, and seven cases of Irish linens at $80,000 to $100,000. Ceramics specialist George Miller compared the detailed auction list of dishware and linens with known catalogue values of ceramics and textiles of the period and determined that they could not have sold for much more than $30,901.50 at auction. He concluded that either the brig itself was extremely valuable, or the paper grossly inflated the privateer's success.[106] Such meticulous research casts doubt on other claims of immense privateer profits, like the half-million dollars supposedly taken in 1813 by *Snap Dragon* of New Bern, North Carolina.[107]

THE BALANCE SHEET

By late 1814, American trade, licensed, illegal, or otherwise, had virtually ceased. Attacks on shipping drove costs up and depressed commerce. Prohibitive insurance rates and uncontrolled prices caused severe personal and commercial hardships. The early damage inflicted on British trade by American privateers and the small but proficient U.S. Navy was soon countered by the British blockade, which effectively ended the free movement of American maritime traffic. Simultaneously, Britain's strict enforcement of the convoy system deprived the few American privateers able to get to sea of likely prizes.

Meanwhile, the United States teetered on the brink of bankruptcy. Brian Arthur's recent study of the impact of the British blockade on the war notes a gradual decline in all shipping entering American ports, the loss of $8.6 million in customs revenue, and a further $97.4 million drop in America's overseas trade, not to mention at least 20,000 lives lost and nearly 21,000 naval prisoners of war.[108] The American merchant fleet, which was less than half the size of Britain's, lost 1,407 ships, at least 546 of them to the Royal Navy. According to one source, by 1814, the United States had only 420 vessels of average size (100–200 tons) in use for foreign trade, and thanks to the blockade, most of them were unable to leave port. Salem's busy harbor was virtually silent by August 1814. "It is a fact that there is not at this time and for a long time past has not been, a single privateer cruising the ocean from this port--the business is at a stand--the bounty of one hundred dollars a head for prisoners, and the reduction of duties on prize goods are insufficient to encourage men of shrewd calculation to adventure on such hazardous and unprofitable enterprises."[109]

At the end of August 1813, readers of Niles's *Weekly Register* saw how dramatically prices were fluctuating between Boston, New York, Philadelphia, and Baltimore for commodities such as flour, sugar, and rice. Philadelphians had to pay $12 for the same hundredweight of rice that cost Bostonians $9. A barrel of superfine flour ranged from a low of $6 in Baltimore to $11.87, or nearly double,

in Boston. As early as June 1813, superfine flour prices in London reached $58 per barrel. For hard-pressed families and local merchants, such prices were prohibitive, but for a captain able to evade the blockade, flour was selling in Lisbon for $24.60–$23.40 a bushel.[110] Sugar prices suffered a similar fate, rising from $9 per hundredweight in New Orleans and $18.75 in Boston in 1812 to $21.50 in New York and $26.50 in Baltimore just a few months later.[111] Fortunately for Halifax, so much muscovado sugar was captured in American prizes in 1813 and 1814 that sugar prices remained relatively low. Similarly, noted a disgusted Niles, there were 40 to 45 million pounds of coffee on hand in Boston, New York, Philadelphia, and Baltimore, where speculation in coffee, tea and sugar was rife.[112] The writer congratulated Baltimoreans on doing without or using substitutes, instead of paying inflated prices like thirty-eight cents for a pound of coffee, three to four dollars per pound for tea, and forty dollars per hundredweight for sugar.[113] Commodity prices were 40 percent higher by the summer of 1814.[114]

Financially unable to support a war from the outset, the American economy was a shambles by the end of the war. The total cost of property damage and economic loss has been estimated at $158 million, including $93 million in naval and military expenses, $16 million in war debt interest charges, and $49 million in veteran support.[115]

Britain, on the other hand, had coped with war for over twenty years and was staggering but still standing. Whether America needed British goods as badly as Britain needed American markets remains debatable, although the interdependence of their trade meant that when traffic decreased, both economies suffered.

The estimated volume of British shipping destroyed or captured during the War of 1812 ranges from 1,500 to 2,500 vessels, with each one constituting the economic loss of a ship as well as any cargo and armament, along with any crew either killed or captured in the taking of the prize. Niles's lists 1,634 American captures (including duplicate names and blank numbers), and I have found a few hundred more, although not all of the prizes were British, and at least a third were recaptured. The convoy system safeguarded British shipping from all but the most determined predators, although the West Indian planter community constantly petitioned the admiralty throughout the war for better protection for their trade.[116] Britain's merchant fleet, however, totalled 21,449 vessels, making the loss of less than 10 percent of it more annoying and embarrassing than worrisome.[117]

Although privateering played havoc with both economies at different times during the War of 1812, the question of profitability remains unanswered. Given that privateering was profit-centered, few would have undertaken it without some

likelihood of gain. The objective was to repay the owners' original investment on the first cruise and make a fortune on succeeding cruises. The large number of single cruises by colonial and American privateers indicates that this goal was not easily attained. Even when a prize was taken, profits had to be shared between the owners and their officers and crew, with sales sometimes barely covering the court costs. Privateer investors usually spread the risk by acquiring shares in several vessels, but as the war went on and prizes began drying up, interest in privateering declined accordingly.

There is no doubt that some people made money. Those aboard successful privateers, like *Saratoga*, *Paul Jones*, and *Henry Gilder*, which made three or four cruises apiece, shared thousands of dollars worth of prizes between their owners and investors. John Boyer moved from being master of *Swallow* to master and sole owner of *Shark*, while James Clark went from acting as first lieutenant of *Retaliation* to being master and sole owner of *Spark;* their success indicates that fortunes were made. Similarly, Samuel Cunard of Liverpool, Nova Scotia, reinvested his earnings from privateering in mail packets and cargo vessels after the war to found a shipping dynasty. Nathaniel Silsbee of Salem, who owned shares in *Polly* and *Regulator*, which were both captured by the summer of 1814, described his situation at war's end: "Although I rather gained than lost money by the shares which I took in several privateers, yet at the close of the war the amount of my property was nearly twenty per cent, or one-fifth part less than at the commencement of it; a considerable part of which reduction was caused by my subscription to the loans which were made to the government in the early part of the war."[118]

A recent estimate of the gross proceeds from prize ships and goods sold in the United States during the War of 1812 is based on an 1820 account by the secretary of the navy, who recorded that $213,535.87 in prize money was received by the Seaman's Hospital Fund. Since the fund was legally entitled to 2 percent of money received from all prize sales, the gross total for prize sales then would be $10,676,793.50.[119] Until the end of 1813, prize goods brought into American ports replaced cargoes that were seized by the British, while capturing and destroying British ships and cargoes denied essential goods to British markets in Atlantic Canada and the Caribbean. The privateers' daring exploits raised American spirits and countered the depressing news of defeats by British army or navy forces, but privateering was first and foremost a commercial enterprise, and profit trumped patriotism every time.

The War of 1812 began as an unpopular war and ended as ambivalently as it began. In 1812, as southern war hawks clamored for the invasion of Canada,

many New Englanders clung to their prewar commercial relationships with Atlantic Canada, whether inside or outside the law. Letters of marque offered ship owners and investors an economic outlet for their capital and the potential for both risk and windfall profits. For some, privateering was patriotic seafaring spiced with adventure, while for others, it was legal and, potentially, very profitable employment. Like the war itself, attitudes toward privateering ebbed and flowed with the success of the participants.

With seaborne commerce on both sides of the Atlantic nearly at a standstill, America and Great Britain realized that the cost of continuing the war far outweighed any possible economic or political gains, and they finally agreed to peace. On 24 December 1814, the Treaty of Ghent officially ended the war, but privateers on both sides continued to send in prizes until March 1815. Determining which of these post-peace prizes was "good and lawful" was based on a geographical formula, taking into account prizes taken in different parts of the world at different dates.

As an economic indicator of the War of 1812, privateering was clearly only viable as long as there were ships to capture and money to be made. As one of several economic options available to mercantile communities on both sides of the conflict, privateering seems to have had the strongest appeal. The Atlantic provinces of New Brunswick and Nova Scotia fielded at least 40 letter-of-marque vessels, while the United States issued over 1,170 letters of marque to more than 600 vessels. Determining the final number of prizes captured by British and American privateers, let alone their economic value, is probably impossible. But it is clear that colonial and American privateers were considerably more successful before the British navy imposed compulsory convoys and began blockading New England in early 1813. The number of privateers rose during the first six months of the war and then steadily declined as the sea was slowly cleared of prey and the opportunity to recoup one's investment through prize money decreased.

By declaring a war it could not afford against a nation that could not afford to lose, the United States came close to bankrupting itself. Those who engaged in privateering, on the other hand, knew when to call it quits.

CHAPTER 4

The Misfortunes of War

I was told we'd cruise the seas for American gold,
We'd fire no guns, shed no tears
Now I'm a broken man on a Halifax pier,
The last of Barrett's privateers.

—*Stan Rogers*, Barrett's Privateers

Privateering during the War of 1812 was not for the faint of heart. Respected by some, reviled by others, privateers faced considerable personal danger--financial as well as physical. Ship owners and investors spread their risk by financing or owning shares in several privateers that sailed in all seasons from different ports. The officers and men, who could only serve in one ship at a time, had to trust their fate to the seaworthiness of their ship, the skill of their captain, and the luck of the draw. Privateering may have been regulated by international law, but it was controlled by individual owners and investors who insisted that their captains capture as many prizes as they could while exposing their vessels, crews, and cargoes to as little harm as possible. Avoiding combat helped manage the material risk, which, in turn, had to be weighed against the loss of regular income and the lack of wartime income alternatives.

Britain's reluctance to declare war stymied initial colonial privateering efforts. Although at least eight New Brunswick and Nova Scotia vessels received commissions in 1812, only two brought any prizes before the court of vice-admiralty that year.[1] *Caledonia*, at 623 tons the largest ship commissioned by either side, obtained Nova Scotia's first letter of marque in July 1812. She retired after one unsuccessful cruise, as did *Minerva*, *Comet*, and *Union*, all of St. John, New Brunswick, commissioned in October and November 1812. In September 1812, there were reports of a privateer called the *Nonsuch* sending in two prizes, although vice-admiralty court documents attribute both to the *Liverpool Packet*. This suggests an

attempt to disguise privateer captures made before the official declaration of war.[2] Meanwhile, close to two dozen Royal Navy vessels kept the Halifax vice-admiralty court busy throughout the first six months of the war, accounting for 128 of the 155 American prizes captured between June and December 1812.

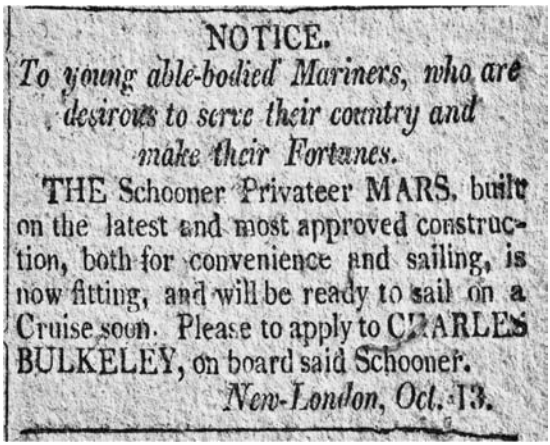
Getting to sea first gave American privateers an early advantage, but initial overconfidence soon turned to disappointment. In July 1812, just over one hundred commissions were issued to privateers from Baltimore, Salem, Boston, New York, and Philadelphia, as well as more than a dozen other smaller ports with mixed results. Fifty failed to bring in a single prize, two letters of marque were returned unused, five vessels were leased to the U.S. Navy or sold, and thirty-eight vessels were destroyed or captured shortly after leaving port. To make matters worse, British naval vessels managed to capture ten of these first hundred privateers practically on their own doorstep. This wartime reality check may have influenced fifty private armed vessels, or roughly half, to call it quits after their first cruise. Even though American privateers captured close to one hundred prizes in both July and August, only fifty-two, or half as many commissions were issued in August, forty-one of which were new letters of marque. By December 1812, the loss of thirty-nine American privateers to British captors coincided with a further decline in new American commissions, with only twenty first-time private armed vessels requesting licenses in December. The capture of sixty-five British prizes before the end of December indicates that the financial incentive still remained, but America's initial enthusiasm for privateering seems to have cooled within a matter of months.[3]

As early as August 1812, Capt. Charles Thomas of the privateer *Tryal* arrived in Bath, Maine, empty-handed after fifteen days at sea. Claiming to have seen nothing but British cruisers, he concluded that "privateering is at an end on the Eastern Shore."[4] His pessimism may have been somewhat premature, but North American prizemaking did decline throughout the war, as the British blockade reduced potential captures for provincial privateers and compulsory convoy travel made it increasingly difficult for American privateers to find prizes, let alone sail them safely into blockaded ports. Not only were ships forced to sail farther afield to find prizes but they had to fight harder to keep them. The economic driver of "no prey, no pay" may have reduced privateering on both sides, but the growing number of privateers who were wounded, captured, or killed as the war dragged on must have caused many to recalculate the personal risks involved in private armed warfare. Inevitably, injury, imprisonment, and death took their toll on privateers in the War of 1812. Could the death of privateers have contributed to the eventual death of privateering?

TAKING THE RISK

Anyone who went to sea understood the dangers of foul weather, equipment failure, accidents, disease, and drowning, but privateers also had to cope with wartime threats such as combat, capture, recapture, imprisonment, and death. Their ability to do so reveals a society that was as diverse, sturdy, and resilient as the ships they sailed. In the immediate wake of President James Madison's declaration of war, there was a tremendous rush to convert likely merchant vessels to privateers, recruit crews, and get to sea. During June 1812, eighteen privateer commissions were issued in Baltimore, ten each in Salem and Boston, nine in New York, seven in Philadelphia, and others in ports from Bath, Maine, to New Orleans.[5] Local newspapers, keeping track of how many privateers were outfitting in each port, congratulated Salem for sending out the first two privateers, *Jefferson* and *Fame*, on July 1, as soon as the first commissions reached that port. So anxious were Salem men to get to sea that at least twenty of *Fame*'s first twenty-four-man crew were captains.[6] Eight more privateers left Salem by the end of the month, the first of over forty private armed vessels to sail from that port. Typically, more than half of them were captured and/or destroyed by war's end.[7] Meanwhile, on July 5, with a grand salute from their total of thirty guns, the schooners *Atlas*, *Matilda*, *Governor McKean*, and *Shadow* sailed out of Philadelphia. A week later, a Baltimore paper confidently predicted that with the roughly one hundred privateers already afloat, "the more they distress the enemy, the sooner we shall have a permanent peace."[8]

In Federalist New England, proof that privateering was more popular than the war itself was how quickly and easily one could recruit a crew. At the end of July, William Crabtree of Portland, Maine, advertised for one hundred volunteers to serve as seamen and marines "on board the remarkably swift Privateer brig *Rapid*, mounting 14 guns."[9] Under the Articles of Agreement, instead of wages, each man was offered one share of all prizes taken by the brig, which was "well found in every respect." Those wanting to take advantage of "this excellent opportunity to make money" should report to The Rendezvous forthwith. While emphasizing prizemaking, the twenty-eight owners also sought to hire a surgeon, a sure sign that some action was expected. On *Rapid*'s first cruise, the 190-ton brig took only one prize, disappointingly in ballast. A second cruise under Joseph Weeks that September began more promisingly, but, a week later, after ransoming one prize and sending in another, *Rapid* was captured by HMS *Maidstone*, *Spartan*, and *Acasta* and sent to Halifax. The *Columbian Centinel* absolved the privateers and blamed the war: "The loss of this valuable vessel and the capture of a number of


NOTICE.
To young able-bodied Mariners, who are desirous to serve their country and make their Fortunes.
THE Schooner Privateer MARS, built on the latest and most approved construction, both for convenience and sailing, is now fitting, and will be ready to sail on a Cruise soon. Please to apply to CHARLES BULKELEY, on board said Schooner.
New-London, Oct. 13.

Newspaper Recruiting Notice for the Privateer Mars *of New London, CT*
Charles Bulkeley, captain of the 233-ton privateer *Mars*, offered recruits a chance to serve their country and themselves by joining his crew. It did not take him long to fill his schooner with one hundred men anxious to make their fortunes. *Connecticut Gazette*, 13 October 1812. (*Source*: New London County Historical Society, New London, CT; photographer: Dennis Murphy.)

our worthy citizens, who from necessity rather than choice have resorted to privateering, is a consequence of this detestable war, and it is to the authors of it, that all the calamities and losses we experience by it, is justly chargeable."[10]

On 13 October 1812, as *Rapid*'s crew enjoyed their last week of freedom, Capt. Charles Bulkeley of New London, Connecticut, advertised for "young able-bodied Mariners, who are desirous to serve their country and make their Fortunes" to join the 233-ton schooner *Mars*, "built on the latest and most approved Construction, both for convenience and sailing."[11] Touting patriotism and profit before sailing qualities and safety, he quickly recruited one hundred men for a one-hundred-day cruise. Of the hundreds of privateers and letters of marque commissioned during the War of 1812, only a handful made fortunes, whereas thousands of crewmen ended up injured, imprisoned, or dead. Lured by the promise of easy money and adventure, sailors, some as young as ten or eleven, signed on without really considering the darker side of private armed warfare. Certainly, recruiters like Crabtree and Bulkeley knew better than to remind prospective privateers of the dangers inherent in peacetime seafaring, let alone in war.

On her first and only cruise, *Mars* captured eleven prizes, perhaps enough to persuade her owners that they did not need to cruise again. Or maybe, despite recouping their investment several times over, *Mars*'s eleven investors, including

Bulkeley, lost interest when over half of their prizes (and prize crews) failed to arrive home. At least four were recaptured by British ships, one was destroyed, and one was sent into a British port as a cartel carrying sailors and passengers released from other prizes.[12] Ignoring such losses, Niles's *Weekly Register* highlighted the fact that *Mars* fired only seven shots the entire cruise and returned home with $100,000 in cash taken from her various victims.[13] When the *Paul Jones* returned from a three-month cruise with nine prizes and three hundred prisoners of war "without losing a man or receiving a shot," it was newsworthy enough for a New York paper to mention and a New Brunswick paper to reprint.[14] As late as July 1814, thanks to her reputation as a prize-winning privateer, the *Saucy Jack* of Charleston could open a rendezvous at 11 a.m. and before 5 p.m. have 130 men shipped and ready to go. By that point in the war, even Niles felt obliged to call such recruitment "probably . . . unprecedented."[15] This was how private armed warfare was supposed to work. A large, fast, well-gunned ship, heavily manned and skilfully sailed could simply intimidate smaller, less well-armed vessels into lowering their flags and being captured. All but a few of the crew would be removed and replaced with a prizemaster and several crew, who then sailed the prize into the closest allied port to be adjudicated by the local admiralty court, while the privateer sailed on in pursuit of more prizes. Unfortunately, for all but a lucky few, this version of privateering proved the exception rather than the rule.

THE PERILS OF PRIVATEERING

No matter how skilled the crew or sound the ships, few privateers could withstand a winter gale in the North Atlantic. Among the countless ships driven ashore or lost without trace was the 220-ton schooner *Dash*, of Portland, Maine, thought to be the *Dead Ship of Harpswell*, immortalized by Quaker poet, John Greenleaf Whittier.[16] From her first commission in December 1812 to her last in November 1814, *Dash* took some fifteen prizes and earned her principal owners, brothers William, Seward, and Samuel Porter, a tidy sum. She vanished on her seventh cruise in a mid-January snowstorm in 1815, depriving a small community of Capt. John Porter, his two brothers, and sixty more husbands, fathers, and brothers. Caught in a similar, if not the same winter storm, the 132-ton Nova Scotia privateer *Rolla* disappeared with all forty-two hands, plus nine prisoners taken off her final prize captured that January. The loss of the *Rolla* (a former American privateer of the same name) left twenty-two widows and nearly one hundred fatherless children in Liverpool to mark the end of the war.[17]

Luck as much as skill often governed who survived when the weather turned bad. In November 1813, *Herald*, a New Brunswick letter of marque of 279 tons, was de-

stroyed in a gale near Grand Manan, yet all but one of her twenty-five-man crew survived.[18] The next month, high winds, snow, and sleet drove three American vessels—the privateer *Tartar*, the letter of marque *Express*, and a merchantman—aground off Cape Henry. The Virginia militia arrived and built fires to warm those who did not freeze to death or drown trying to reach shore, at least until they were driven off by British blockading forces shelling the beach.[19] A year later, the 203-ton *America* of Baltimore was nearly upset in a tremendous gale. The men were ready to cut away her masts when the schooner righted, leaving Third Lieutenant Treadwell with a broken hand, another man with a broken leg, and five or six others injured.[20] A few months later, another Baltimore privateer, the 315-ton *York*, survived a terrible storm but lost her captain and three men.[21] In an effort to mitigate the effect such stories had on public enthusiasm for the war, local newspapers focused on safe arrivals, rich prizes, and "good news" stories. Niles's *Weekly Register*, for example, began publishing a running list of all the captures made by American privateers throughout the war, reprinting dramatic excerpts from their logs and highlighting profitable cruises.

A violent storm at sea might not only drive a ship off course or cripple it, leaving it vulnerable to enemy attack, it also could seriously endanger life and limb, even in port. Anchored off Savannah in September 1814, the *Saucy Jack* of Charleston was struck by lightning. The bolt shot down the foremast and out the stern, setting off a carronade on the way by that killed two men and wounded four.[22] Even fog could contain a nasty surprise, such as when HMS *Acasta* suddenly materialized alongside *Curlew*, leaving the privateer with nowhere to run.[23] In August 1812, after anchoring in fog at the aptly named Bailey's Mistake, *Mars* of Portland (1 gun, 20 men) and *Morning Star* (1 gun, 4 swivels, 50 men) awoke to find themselves literally up a creek, facing two frigates, HMS *Maidstone* (36 guns, 264 men) and *Spartan* (38 guns, 284 men). The privateers put up a good fight, but, given the seven-to-one odds, both were quickly taken and burned.[24]

Shipboard accidents were common and often devastating. Francis Xavier Muller of Baltimore was taken by an alligator in the Savannah River while swimming to shore from the *Paul Jones*.[25] An unfortunate Portuguese stowaway aboard *Kemp* fell from the topmast and broke his thigh,[26] but John Green of New York was killed in a similar fall from *Harpy's* main topsail yard.[27] Even cleanliness was not without risks, as a seaman who fell overboard doing his laundry learned the hard way. Fortunately, the crew of *Young Wasp* were able to lower a boat and retrieve him.[28] Cannon and muskets in the hands of untrained landsmen were especially dangerous. Three men were injured in a single training session aboard *Perry*; one of them had to have his leg amputated.[29] James Hall, a prizemaster for the *Lilly* of

Portland, was seriously wounded when his musket blew up,[30] while two men lost a hand and three fingers, respectively, in a gun-drill accident aboard *Dolphin*.[31] Aboard *Siro*, a clumsily dropped pistol went off half-cocked in the arms chest, instantly setting off at least thirty pistols and muskets. Four men were seriously wounded, two were burned, and five hurt. One man eventually died, and another lost his leg. A boy, somehow shot through both feet, had to wait for a surgeon until the ship reached port six days later.[32]

One of the worst accidents occurred when a spark from a musket hit the powder magazine of the forty-six-ton Rhode Island privateer *Hiram* in September 1812. The schooner exploded and burned to the waterline. Five of the twenty-one-man crew managed to climb into the small ship's boat, leaving behind several others but rescuing a badly injured boy who soon died. Adrift without provisions for days before finally making Antigua, the men confessed to cannibalizing their shipmate to save themselves.[33] The story was so horrific that Niles does not mention it, nor does it seem to appear in other American papers.

Infections, yellow fever, and other diseases placed many privateers on the sick list. The log of *America* refers to an inflammation of the eyes picked up from visiting another ship.[34] The *Bona*'s log chronicles a particularly difficult cruise in the fall of 1812. In November, a musket accidentally went off, sending a ball through W. Hooks's shoulder and killing Thomas Lacount. Several others fell sick during the cruise, and one died. Finally, by December, the log-keeper was able to write: "Peopl Giting more helthey," a good sign that the crew's health, if not his spelling, was improving.[35]

DRINK, DISCIPLINE, AND DUTY

Sometimes the privateers themselves were their own worst enemy. Encouraged by their Articles of Agreement as well as the popular press, the men were expected to embrace the contemporary "manly" virtues of honor, courage, integrity, and sobriety. Success varied because, as individual corporations, private armed vessels reflected the idiosyncrasies of their various owners and crews. Some were famous for their daring attacks and others for their narrow escapes. In 1812, the gallant captain Jacob Endicott of *Dolphin* received public thanks from Mrs. Elizabeth Bell of Nova Scotia for his "gentlemanly and humane treatment." After capturing the schooner *Ann*, in which Bell was a passenger, Endicott returned $900 and her personal effects to her before sending the prize into Salem.[36] On the other hand, Samuel Stacey and Thomas Cloutmen, captains of the Marblehead privateers *Snowbird* and *Lion*, respectively, treated a couple of their fellow countrymen so outrageously that the *New Bedford Mercury* called them pirates. They were

reported to have forcibly seized and illegally detained two New York passengers aboard an American merchant brig, robbed them of about $1,100 in gold, treated them with "wanton barbarity," and sent them into Boston "penniless."[37] Retribution must have been swift, since the *Lion* surrendered its commission a couple of weeks later, and the *Snowbird* made no further cruises.

Willing to endure the vagaries of nature without complaint, privateer crews were notoriously hard to discipline and refused to tolerate poor food or ill treatment. For *Harpy*'s crew, already grumpy after a month at sea with no prizes, bad pea soup was the last straw. The cook ended up with a dozen lashes, and the mate received six for neglect.[38] Similarly, after several months of bad weather, low rations, and a prize cargo of rum lost off Georgetown, the dispirited crew of the *General Armstrong* of Charleston asked Captain Sinclair "respectfully but firmly" to return home. Outraged, he rushed to his cabin for his sword and was promptly locked in for the next twenty-eight days as they sailed home from the Cape Verdes; on arrival, the men calmly turned themselves in. Although accused of mutiny, the leaders were eventually released by order of the secretary of the navy. Ironically, the one prize they managed to capture on their way back was disallowed because the captain named in the letter of marque was not at the helm.[39]

One would think that battling the elements as well as the enemy in the common goal of prizemaking would have created united and motivated crews, especially in ships where many men came from the same community or had served together on several cruises. Yet, many ships' logs record numerous examples of drunken, obstreperous, insolent, and even mutinous behavior. Whether it was a function of frustrated expectations, inexperienced crews, or weak leadership, the logs of vessels like *America*, *Bona*, *Harpy*, *Kemp*, *Saratoga*, and *Rolla* reveal a turbulence that could be more dangerous than the sea. Alcohol was a constant presence aboard ship, with a daily measure of grog serving as the basic lubricant for shipboard activities. In fact, loss of grog rations was a standard penalty for minor misbehavior. Depending on the ship, men caught gambling or playing cards might have their grog stopped for twenty-four to forty-eight hours, and the sale of one's grog allowance to another sailor might mean a loss of rations for a week.[40] Benjamin Waterhouse, the editor of *A Journal, of a Young Man of Massachusetts*, written in 1816, states that each crew member aboard his privateer was allotted one New England gill of rum per day. Apparently, this was considered an "underdose" for a Yankee, and the men stopped work for two days in protest, demanding double that amount, or half a pint.[41] Whatever the daily allowance of rum, there were plenty of men who managed to exceed their limit, with the inevitable result.

According to John Phillips Cranwell, who collected and transcribed numerous Baltimore privateer logs, only a few men, such as Joshua Barney, George Coggeshall, George Crowninshield, Thomas Boyle, and Samuel C. Reid, were actually able to impose "man-of-war-style" discipline on their crews. It is no coincidence that their ships were among the most successful prizewinners. Competitiveness among and between privateer captains was probably more common than the records indicate, but Captain (later Commodore) Barney seems to have generated more than his share.[42] A Georgia paper of September 1813 refers to a duel between Barney, a Revolutionary war hero and former privateer, and Lemuel Taylor, a merchant and owner or investor in at least a dozen Baltimore privateers, as well as a man actively involved in the financial and political life of his city. In a letter to Secretary of the Navy William Jones, Taylor denounced Barney as "a most abandoned rascal both as to politics and morals and . . . despised by 9/10 of all that have taken an active part in the defence of Balto (Baltimore)." He considered Barney unworthy of the appointment as commander of the flotilla defending Baltimore and said so. Once Barney was aware of Taylor's accusations, he felt obliged to respond. The men apparently met, and two fires were exchanged, with Taylor "wounded but not mortally" and honor satisfied.[43]

The log of the 372-ton New York privateer *Harpy* (Capt. Alexander P. Griggs) confirms a crew of nearly one hundred men who were totally undisciplined, habitually drunk, and woefully incompetent. Not to be confused with Capt. James Chever Jr.'s successful and well-run Salem privateer *America*, the log of the 213-ton *America* of Baltimore reveals Capt. Joseph Richardson's struggle with a drunken and unruly crew. Barely two days out of port, Richardson was forced to court-martial gunner James Walsh for drunkenness and using insulting language toward one of the prizemasters. Later entries report the "unvarying state" of inebriation of prizemaster S. Poe. Disappointed that Poe could not overcome his "sottishness," the captain finally had to admit that "his attachment to the bottle has not only superseded [*sic*] every other consideration with him, but had made him use it excessively."[44] A few weeks later, Richardson had to discipline gunner Isaac Van Blake and curb "symptoms of insubordination" in the boatswain and several quartermasters by rereading the terms of their Articles of Agreement to the entire crew. On October 26, four men deserted, only to be arrested two days later at Aux Cayes, Haiti, and sent back on board in irons. Lack of prizes on this first cruise may have been partially responsible for the poor morale, but John Dameron, captain of *Bona*, another Baltimore privateer, had similar disciplinary issues on his first cruise. In early August 1812, Second Lieutenant Jacobson accused boatswain John S. Barret of "ill language & Disobeyance of Orders." When ques-

tioned, Barret handed the captain his whistle and insulted him further. Dameron appointed a new boatswain and mate and read out the law to all hands, but soon afterwards he had to sentence a disobedient marine to a dozen lashes at the gun. On August 16, Barret was once more in irons for his abusive language. Dameron's second cruise with the *Bona* was not much better. Two men, placed in irons for disturbing his peace, managed to remove their manacles and throw them overboard, at which point the captain ordered them bound hand and foot for their "insulting mutinous language."[45]

Drinking and insubordination lay at the root of most shipboard conflicts. John White, first lieutenant of the schooner *Wasp*, got so drunk when they put into port for wood that he fell into the hold among the empty water casks and had to be hauled out. He then seized the captain without provocation and "abused" all the officers on board until he was handcuffed and put in his cabin to sober up. Drunk again the next day, he beat up the cook, got the gunner drunk in his cabin, and "attempted to stroke" Lt. Martin who was working on deck. Presumably, White and the *Wasp* soon parted company. New Brunswick's Capt. John Harris records a similar experience on his second cruise in the *Dart* in June 1813. A day after signing on part of his crew and loading some stores, two of his men deserted. The log reveals that he quickly left St. John for Annapolis Gut to recruit more officers and get the vessel in order and the men sober.[46] On *Rolla*'s first cruise, in November 1812, the carpenter returned from shore somewhat the worse for wear, refused the captain's orders to get out of the boat, then swore at the officers and threatened to sink the vessel. Captain James Dooley gladly granted his request to be discharged the next day. Henry Levely, captain of the *Nonsuch*, got rid of an insubordinate first lieutenant who refused to do his duty and drew his sword on the captain by sending him off to Charleston as prizemaster of their first prize and appointing a new officer to replace him.[47]

If men could not get along in letter-of-marque vessels of several hundred tons, then chances were slim that ten to twenty sailors jammed into small, open boats known as "shaving mills" would do better. The sixteen men in *Swiftsure* (four tons) were known for fighting among themselves, involving even Capt. Charles Berry in their brawls.[48] When a dispute broke out aboard the twenty-five-ton armed lugger *General Pike*, also known as *Black Vomit*, the vessel put into Portland, Maine, where the crew spent four days "bunging up each others eyes" [*sic*] until Captain Ricker "won" and they sailed off. The *Portland Gazette* drily summed up the problem with privateers: "whether [they worked] with a view of promoting the interests of their country, their own individual interests, or neither, cannot be rightly determined."[49]

COMBAT, CAPTURE, AND RECAPTURE

On top of the usual natural and man-made disasters that overshadowed life at sea, privateers also had to contend with the dangers of combat and capture, both of which they did their utmost to avoid. Private armed vessels gauged their captures carefully. They usually avoided naval ships of all nations and sizes, as well as any larger, more heavily armed vessel that looked as if it might put up a fight. Unfortunately, looks could be deceiving. Convinced that he was fighting a British letter of marque, even after a brisk engagement, Guy Champlin tried to get his vessel, the *General Armstrong* (18 guns, 140 men), within boarding distance of what turned out to be the much heavier HM sloop of war *Coquette* (27 guns, 121 men). By the time he managed to disengage and escape using sweeps, Champlin had suffered a musket ball in the shoulder and serious damage to his ship.[50] As veteran scrapper Capt. Thomas Boyle explained somewhat ingenuously to the owners of *Chasseur* following his capture of HMS *St. Lawrence* in February 1815: "I should not willingly have sought a contest with a King's vessel, knowing that is not our object; but my expectations were at first a valuable vessel and a valuable cargo also. When I found myself deceived the honor of the flag entrusted to my care was not to be disgraced by flight." At least six British and five American crewmen were killed in the fifteen-minute fight, and many more were seriously injured.[51]

Government vessels such as naval transports or customs cutters were always problematic targets, since they were usually well defended and costly to take. Atlantic Canada's privateers tended to avoid U.S. revenue cutters, with their well-trained crews, especially after October 1813, when *Dart* of New Brunswick was taken by the well-named cutter *Vigilant*. In the course of the fight, *Dart*'s first lieutenant was cut in half by a six-pound shot, and a boy disappeared, thought to have fallen between the two vessels and drowned during boarding.[52] For their part, American privateers generally steered clear of British mail packets, which were known to be fierce fighters, well armed, well manned, and well paid, with bonuses for repelling opponents and gratuities for gallant resistance, even if captured.[53] It took a twenty-hour chase and more than an hour of close action for *Yorktown* to bring the *Manchester* packet to, although not before a passenger and two men were wounded and the mail dumped overboard. Their success was short lived, however, as both the packet and the privateer were soon recaptured by three Royal Navy vessels and carried into Halifax. When *Saratoga* captured the *Morgiana* packet, it cost First Lieutenant Sebring his arm and then his life, along with two other crewmen, while the packet lost her captain and had eight men wounded.[54]

As *Yorktown*'s crew and so many others discovered, no prize was safe until it

reached port. Weather, accident, and the constant threat of recapture by either the ship's original crew or an enemy vessel could quickly turn the tables on a hard-won prize. Of the more than seven hundred prizes processed by the Nova Scotia vice-admiralty court, over 20 percent were recaptures, all but a handful of them snatched from American prize crews by Royal Navy vessels.

Capture, not being captured, was the primary goal of privateering. A chase could last hours and even days as privateers stalked a likely prize or fled from a determined captor. With extra prize shares at stake, sharp-eyed lookouts vied to be the first to correctly identify a prize, often at a considerable distance.[55] When the "prize" turned out to be a stronger, faster enemy, however, identifying it was even more critical, as the privateer needed time to get away. Experienced men could often distinguish a ship's nationality by its hull shape or rig, but this ability was rendered problematic by the common practice of converting captured ships to the new owner's use almost immediately. During the war, eighteen American privateers were recommissioned as New Brunswick and Nova Scotia commerce raiders, while others were taken into the Royal Navy to serve as tenders. Prizes could be captured, recaptured, and re-recaptured in the space of days. Taken four times in as many weeks, the French privateer *Invincible Napoleon* fell first to the *Mutine*, a British brig of war. A few days later, her prize crew surrendered her to the Salem privateer *Alfred* without a shot. No sooner had she reached Salem waters than she was chased ashore by two British frigates, but they managed to get her off and ordered her to Halifax. Nearing port once more, the *Invincible Napoleon* was finally taken by the *Young Teazer* of New York and sent into Boston.[56]

Lack of common signals by which privateers could recognize vessels of their own navy or even each other further confused friend and foe alike.[57] In May 1813, when a Royal Navy vessel fell in with the New Brunswick privateer *Dart* in dark, thick weather, HMS *Rattler* fired first, sending two shots into the privateer's bow between wind and water. Once they identified themselves, however, Capt. Alexander Gordon obligingly sent his carpenter over to plug and lead the holes.[58] In an American case of mistaken identity, the privateer *Anaconda* mistook the one-hundred-ton U.S. Navy schooner *Commodore Hull* for the slightly smaller *Liverpool Packet*. This time the privateer got in the first shot, wounding two sailors and Lt. Henry S. Newcomb. Arrested and tried by naval court-martial for insulting the flag, the *Anaconda*'s overenthusiastic acting master, George Burbank, was eventually exonerated.[59] Even private armed vessels occasionally exchanged shots, such as when the 220-ton privateer *Saratoga* and the 190-ton letter of marque *Mary*, both from New York, fired on each other before realizing their mistake.[60] As dis-

cussed earlier, although confusing, this similarity between vessels was also what enabled an American privateer to infiltrate a convoy of British merchantmen and snatch a likely prize before the naval escorts were even aware of its presence.

Once a prize was taken, privateer captains had to weigh what would best serve the interests of the owners and the crew. (Needless to say, their interests were not always the same.) Sending the vessel into the nearest allied port was the preferred option, but a successful privateer with too many prizes manned out might fall victim to the next enemy vessel passing by. By the same token, a privateer with too many prisoners on board risked being overwhelmed and retaken by them, a rare but not unheard-of situation. For example, in June 1813, *Success*, a boat carrying government provisions to Eastport, Maine, was captured by the privateer *Fly* out of Halifax. Removing everyone but the former captain, an apparently harmless, one-legged man named Snow, Capt. Enoch Stanwood ordered his prizemaster and a boy to head for the first British port. Two days later, Captain Snow managed to kill the prizemaster and sail the boat into Narraguagus, where the late prizemaster "was decently interred."[61]

A viable but less profitable option was to turn an unsatisfactory prize into a cartel, fill it full of captured crewmen, and send them all home. But even this solution was not completely foolproof. For example, in the fall of 1813, the cartel ship *Analostan* was in Salem preparing to return more than one hundred British prisoners of war to Halifax. At nightfall, a number of prisoners suddenly rose up and seized control of the cartel, confining the commanding officer and thirty-three men below decks. Their plan was to capture the 217-ton privateer brig *Alfred*, anchored nearby, and sail off with both vessels. One of the cartel's officers escaped into a rowboat and was able to alert *Alfred*'s crew. Meanwhile, Jeduthan Upton Jr., a former Salem privateer and prisoner of war himself, evaded several knife-wielding attackers as he scrambled into a second boat.[62] He raced to shore, where he rounded up the cartel's Captain Smith and some volunteers, then picked up another twenty-three well-armed men from the *Alfred*. In the middle of a dark and stormy night, they boarded the cartel and drove the prisoners below. Amazingly, they succeeded in subduing roughly 140 men and placed six of the ringleaders in irons without anyone being seriously hurt.[63] *Analostan* arrived in Halifax on 26 September without further incident.

PRISONERS OF WAR

For privateers and letter-of-marque traders, the threat of capture or recapture and imprisonment haunted every cruise. Many hard-won prizes sailing back to port

were recaptured by passing English navy vessels or privateers, with the American prize crew ending up on parole or in prison. Dramatic stories of capture and captivity appeared frequently in the local press, alarming and infuriating the local citizenry, especially those engaged in privateering. Although totals for the number of Americans held as prisoners of war vary, Ira Dye suggests that close to 14,000 naval and privateer personnel experienced some form of detention over the course of the war.[64] As a sort of auxiliary naval force, privateers were supposed to be treated like U.S. Navy crews for the purposes of imprisonment, parole, and exchange. In fact, this was not the case, and privateers were considered at the bottom of the exchange list behind naval officers or government officials and those taken on merchantmen.[65]

On 6 July 1812, Congress passed An Act for the Safe Keeping and Accommodation of Prisoners of War.[66] Although a formal exchange agreement between the two nations was not reached until the Washington Cartel (name of agreement) of May 1813, an earlier proposal for managing prisoners ensured that privateers were ransomed, paroled, and exchanged for at least the first few months of the war. A prisoner-of-war camp was established for Americans at Melville Island off Halifax, Nova Scotia, whereas British captives were held at Annapolis, Salem, Providence (Rhode Island), Greenbush (New York), and elsewhere. Under the regulations, an army general was equal to a navy admiral or sixty men. The most senior U.S. Navy rank was a captain or commodore, exchangeable for a brigadier-general or thirty men. The lieutenant or mate of a private armed vessel was equivalent to a naval petty officer or an army noncommissioned officer, who was worth two men. Under the earlier cartel agreement, only the captains and officers of privateers carrying fourteen guns or more were to be eligible for parole, although this rule was not strictly enforced. They were equivalent to a naval warrant officer, the master of a merchant vessel, or a sub-lieutenant or ensign in the army and exchangeable for three men.[67] In practice, so few privateers were heavily armed that fewer than forty American vessels and only two provincial privateers would have even been eligible for parole. Nevertheless, privateersmen continued to be exchanged, even after the final cartel agreement of 1813, which did not provide for the exchange of privateers at all.

Prisoner exchanges took place at specified locations in the presence of officials responsible for maintaining the "balance of payments" between sides. Each side appointed a general agent for prisoners, with the American agent living in London and the British one stationed in Washington. There was also an American agent at each British camp and vice versa. Privateers, however, often found it too dangerous or too expensive to keep dozens of extra enemies on board until they could be officially transferred. Instead, captured crews were either ransomed or

paroled at sea and sent on their way, reducing the number of "bargaining chips" available for exchanges and leaving more Americans in British hands than British prisoners held by America. In one case, the *Alexander* of Salem captured a couple of British vessels off Newfoundland in April 1813. The crews asked Capt. Benjamin Crowninshield to let them sail home in one of the ships, promising to ask the Royal Naval officers in port to send an equivalent number of Americans to a U.S. port and swearing to consider themselves noncombatants until then.[68] Whether he believed them or not, it was easier and safer for Captain Crowninshield to agree. As late as July 1814, privateers were still releasing their prisoners on parole. *Surprise*, for example, returned to Newport, Rhode Island, after nearly four months at sea, having been chased sixteen times, capturing ten prizes, and paroling 101 prisoners of war.[69]

This "generous warfare" quickly deteriorated to accusations of cruelty,[70] however, as casualties and captures increased, filling and then overflowing British prisons. In August 1812, the treatment of three to four hundred American prisoners at Melville Island at the mouth of Halifax harbor was described as "very humane,"[71] but by November 1813, according to Niles's *Register*, 1,200 Americans were confined there, suffering "horrible usage" in the cold, damp, crowded prison, where pestilence carried off three or four men a day. If they dared complain, they were told by Lt. William Miller, the British agent, "to die and be damned," since the king had 130 acres of land in which to bury them.[72] By March 1815, the *Boston Patriot* reported that all of the 360 prisoners of war just returned to Salem from Halifax felt their treatment had been "brutal and barbarous in the extreme."[73]

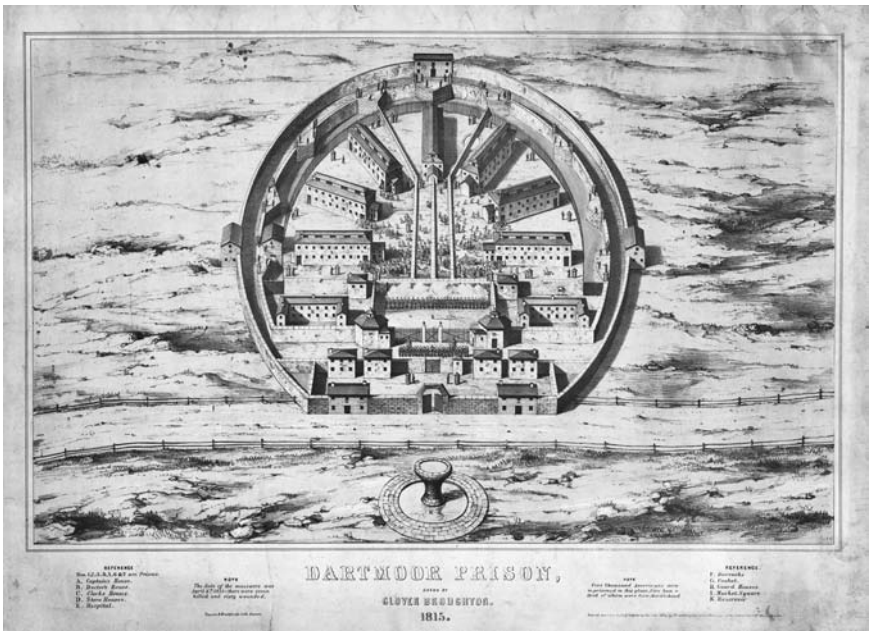
In most instances, prisoners of war were reasonably well treated, and in exchange for swearing not to leave town without permission, officers were usually paroled, some living in rented accommodations or as boarders in the homes of their enemies. Breach of parole, however, was taken extremely seriously. When Francis Leavitt of New Brunswick escaped from Salem, the U.S. marshal in Boston posted an official notice that if Leavitt were ever found in the United States, "he may be arrested and receive that treatment which is justly due to a man who has been guilty of such dishonorable conduct."[74] Captains and officers of privateers were often granted the same courtesy, with the exception of Joseph Barss Jr., former captain of the hated *Liverpool Packet*, who was kept on a strict diet and closely confined in Portsmouth jail, "in retaliation, it is said, for the treatment by the British of Captain William Nichols of the *Decatur* of Newburyport."[75] In an earlier case of tit-for-tat, when six of the *Sarah Ann*'s crew were threatened with being hanged as "British subjects" in Jamaica, despite Capt. Richard Moon's insistence that five were American born and one a naturalized citizen, twelve

British prisoners of war were taken from a prison ship in Charleston harbor and jailed as hostages until the matter was resolved.[76]

As if these stories weren't enough to discourage even the most enthusiastic privateers, the British government's decision to transfer prisoners from the awful but relatively accessible location of Melville Island to the notorious confines of England's Dartmoor prison was enough to strike fear in the bravest heart. The first group of 250 American prisoners of war made the seventeen-mile uphill march from Plymouth (England) in April 1813, to be followed by thousands more over the next two years, a large percentage of them privateers.[77] Desperate to avoid such a fate, some American prisoners attempted to overthrow the *Benjamin* transport carrying two hundred men from Halifax to Falmouth in September 1814. Their attempt failed, leaving four dead and eight wounded.[78] With no incentive to exchange them, privateersmen without either money or influence languished in Dartmoor for years. The generally appalling conditions were made worse by the fact that Reuben Beasley, the American agent for prisoners of war, despised his charges and refused to visit them or deal with their complaints.[79]

According to the prison's general entry books, there were only four ways out of Dartmoor—exchange, discharge, escape, or death.[80] The majority of captives were eventually exchanged or discharged. (The last American prisoner left Dartmoor in 1816!) Meanwhile, newspaper accounts of ill treatment and the publication of prisoners' letters to friends and family at home could not help but remind privateers of the uncertain future that awaited them.

Among the few men who actually escaped from the desolate prison was Thomas Swaine, the type of murderous thug who gave privateering a bad name. As first lieutenant of the *Wily Reynard*, a twenty-two-ton "shaving mill" out of Boston, Swaine participated in an attack on a New Brunswick farm, one of the rare examples of such behavior. Both international law and their own commissions expressly forbade privateer attacks of any kind on land, and the action outraged both sides of the border. One night in August 1812, the *Wily Reynard*'s crew landed on Sheep Island, where Francis Clements, a poor farmer, and his family, including nine children, lived. When he stepped out to investigate some noises, a "ruffian" shot him through the head with a pistol, ransacked his house, abused the women "in a shameful manner," dragged his body twenty yards, then took to their boats and escaped. The Halifax paper reporting this could find no reason "but mere wanton barbarity and cruelty." Lieutenant Governor Sir John Coape Sherbrooke called the attack to the attention of Lord Bathurst, adding that the murderer, Lt. Thomas Swaine, had already been captured and jailed.[81] Hunted down by HMS *Shannon* on 11 October, Swaine and his shipmates were confined to Mel-



American Prisoner's Sketch of Dartmoor Prison Massacre, 6 April 1815
Capt. Glover Broughton, a privateer from Marblehead, Massachusetts, drew this sketch of the famous massacre at Dartmoor Prison on 6 April 1815 in which seven American prisoners of war were killed and sixty wounded. Over 6,500 American prisoners were held in Dartmoor during the War of 1812, most of them privateers. (*Source*: Courtesy of the American Antiquarian Society.)

ville Island until August 1814, when they were sent to Dartmoor. Described as five feet, seven inches tall, with brown hair and eyes and an "oval, fresh complexion," the twenty-nine-year-old Swaine escaped on 3 November 1814 and was probably back in Boston by Christmas.[82]

Death was the last way out of Dartmoor, and 271 men, more than 60 percent of them privateers, are commemorated in the American cemetery at the prison.[83] The first American casualty was eighteen-year-old Horace Bisly of Connecticut from the privateer *Star*, who died of pneumonia on 11 April 1813, a few days after his arrival. He was followed by several hundred more, including John Seapatch, of the *Harlequin*, age twelve, who died after two months at Dartmoor.[84] Some fortunate enough to survive their time at the prison, like Joseph Valpey, Benjamin Palmer, Charles Andrews, and Josiah Cobb, published their memoirs, usually years later and with varying degrees of accuracy. A more contemporary record was *A Journal, of a Young Man of Massachusetts, Late a Surgeon on Board an*

American Privateer, Who Was Captured at Sea by the British . . . and Was Confined First, at Melville Island, Halifax, Then at Chatham, in England, and Last, at Dartmoor Prison. Interspersed with Observations, Anecdotes and Remarks, Tending to Illustrate the Moral and Political Characters of Three Nations. To Which Is Added, a Correct Engraving of Dartmoor Prison, Representing the Massacre of American Prisoners. Only slightly longer than its title, the book was written in 1816 by Dr. Amos Babcock, a privateer's surgeon, and edited by Benjamin Waterhouse. It includes the story of the infamous Dartmoor Massacre of 6 April 1815, which saw prison guards firing on unarmed, albeit unruly, prisoners, leaving seven Americans dead and dozens more seriously wounded. Although the story has been written elsewhere, the international incident it created helped accelerate the repatriation of prisoners of war, not only from Dartmoor but from other prison depots as well, and brought a dark chapter of the war to an end.

DEATH AND DESTRUCTION

Given that the medical attention they received was as hit-and-miss as the weapons they faced, it is little wonder that privateers tried to avoid combat at all costs. Even minor injuries, ignored or badly treated, could result in lifelong disability or death. Yet despite their best efforts, at least fifty American privateers had men killed or seriously wounded in battle, a dozen or more of them captains. While most privateers did not bother to employ a doctor, the larger, more heavily armed privateers most likely to engage an opponent, such as *America*, carried a surgeon or some sort of medical personnel. Hired first as an (untrained) surgeon's assistant, the author of *The Yarn of a Yankee Privateer* was understandably relieved when neither the doctor nor he were required to exercise their medical skill. Fortunately, for the safety of all concerned, on the next cruise he served as captain's clerk, purser, and sergeant of marines.[85]

Since privateers did not fight for the sake of it, combat that resulted in their own capture or cost lives without a prize was especially galling. One February night, the *Globe* mistook an Algerine privateer for an enemy vessel and had three men killed in the ensuing fight. Captain J. Graves's arm was so badly shattered it had to be amputated, and another man was shot through both forearms.[86] Meanwhile, the Algerine slipped quietly away. Under a new captain the next November, the unlucky *Globe* was badly mauled by two British mail packets, which also escaped after killing five of *Globe*'s men, including a drummer, and wounding thirteen others.[87] As *Harpy*, *Kemp*, *Montgomery*, *Rossie*, and *Saratoga* all found to their detriment, mail packet crews were especially ferocious fighters. British privateers were also prepared to fight to the death. An all-night clash between

the English letter of marque *May* from Bristol and the Philadelphia privateer *Shadow*, left *Shadow* captain James Taylor and six crewmen dead, three men wounded, and their schooner so badly damaged they were forced to break off.[88]

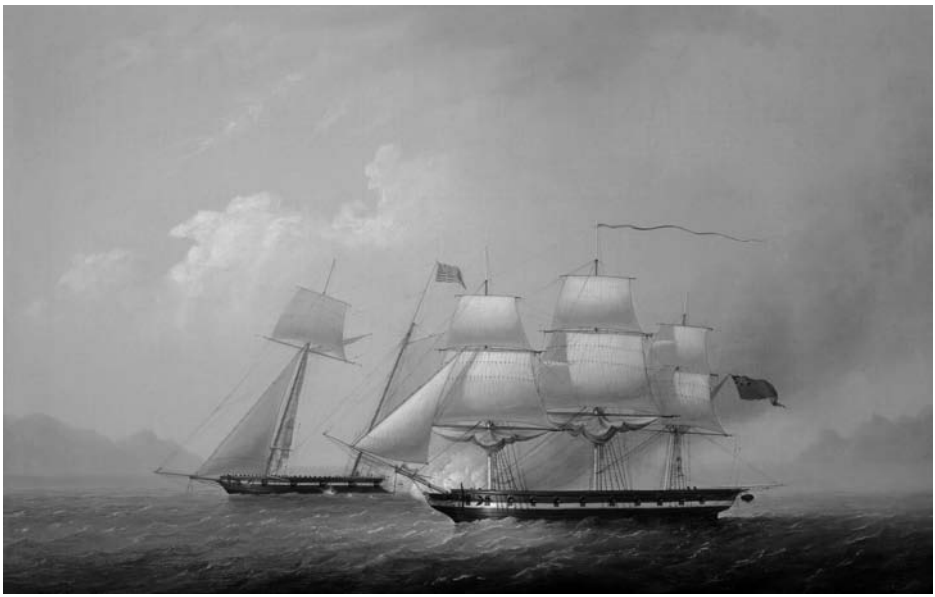
In a similar fire fight near Pernambuco on 22 March 1813, the *Lion* of London took the privateer *Matilda* with numerous casualties on both sides. *Lion*'s captain and eight crewmen were wounded but *Matilda*'s captain, Henry Bantin, his first lieutenant, John Robinson, and several men were killed, while twenty more were wounded.[89] Captain Thomas Robson of the *Sir John Sherbrooke* of New Brunswick was killed and two of his men wounded before striking to the *Saucy Jack* of Charleston, which also had fifteen men hurt.[90] By the time the *Prince of Neufchatel* escaped from HM frigate *Endymion* in October 1814, the "butcher's bill" was six Americans killed, nineteen severely wounded, and only eight men unhurt out of a crew of 113. Amazingly, *Snapper*'s action against several Royal Navy vessels in December 1812 resulted in far fewer casualties, but eight hundred shot through her sails and rigging finally forced the privateer to lower her flag.[91]

From these examples, it is clear that death and injury at the hands of the enemy were not unexpected. Even so, the fate of the *Young Teazer* in June 1813 shocked privateers on both sides of the war. Newly built and painted black, the *Young Teazer* boasted a distinctive figurehead of a carved alligator with gaping jaws.[92] Her captain, William Dobson, and first lieutenant Frederick Johnson had been shipmates on her predecessor, the New York privateer *Teazer.* Captured in December 1813, Johnson promised not to sail against Britain for at least a year and was released on the understanding that violating his parole was punishable by hanging.[93] No sooner had he returned home than he agreed to serve as first lieutenant on Dobson's new schooner. On 26 June 1813, after several daring captures, practically under the guns of the British fleet, the *Young Teazer* was finally cornered in Mahone Bay, Nova Scotia, by HMS *La Hogue.* As the frigate's boats closed in on the privateer, Johnson was seen heading below toward the powder magazine. The resulting explosion immediately killed twenty-nine of the thirty-seven privateersmen, and two more subsequently died of their wounds. Captain Dobson and a few crewmen standing aft at the rail were blown into the water and survived. Reports of the privateer's fiery demise may have been part of the reason why 55 percent, or 144 of the 260 privateers, commissioned in 1813 chose not to apply for a second letter of marque.

Despite their best efforts to avoid it, privateers frequently engaged enemy privateers or naval vessels with the inevitable results. Employing fewer and smaller vessels with less chance of running into a major fight, New Brunswick and Nova Scotia privateers weathered the war reasonably well. Hundreds of American pri-

vateers were not so lucky, and many left wives or widows and families to struggle on with little in the way of pensions or compensation. As George Coggeshall noted in his book on American privateers, America supported the navy with fame and honor in victory and with pensions for sickness and age, while privateers got "nothing but hard knocks, prison-ships, and free lodging in Dartmoor."[94] In fact, the last section of the prize act of 26 June 1812 established a privateer pension fund not unlike the naval pension fund based on 2 percent of the net amount of prize money from the capture and recapture of enemy vessels and cargo. It was designed to support the widows and orphans of slain privateers, as well as those wounded or disabled aboard privateers in any engagement with the enemy. Subsequently broadened in 1813 to include those wounded or killed in the line of duty and in 1814 to provide for widows and children of men wounded in the line of duty who later died of their wounds, the pension plan was intended to last fifteen years, at the end of which infants would have reached the age of fifteen and widows might have remarried. These benefits were extended for five years in 1818 and another five in 1824, with most pensions doubling in value in 1820. According to the 1828 annual report of the Secretary of the Navy, there were 203 widows and orphans receiving privateer pensions in 1814, 186 in 1818, and 161 widows and orphans in 1824. Disabled privateers also received pensions. John Baker, quartermaster of the *John*, whose right hand was damaged, received $24 per year until 1837, when his pension was raised to $12 per month until 1850. John Balster of *York* suffered facial injuries and loss of vision, for which he received $24 per year until 1828 and then $12 per month until 1850.[95] It is understandable why successful captains like the *General Armstrong*'s Samuel Chester Reid petitioned the government on behalf of his men after the war.

Although each vessel also provided for widows, orphans, and maimed seamen from its own prize money, victims could petition the government for pensions and support for injuries received in private armed service. The awards, as defined in February 1813, were based on the recipient's rank and the severity of his disability. Captains could receive no more than $20 per month, lieutenants and sailing masters got $12 per month, and marine officers, boatswains, gunners, carpenters, masters' mates, and prizemasters could collect $10 per month. Payments for all other officers were not to exceed $8 per month, whereas seamen and marines received no more than $6 per month.[96] For example, Jerome Garitee's study of Baltimore privateers indicates that two seamen from the *Chasseur* received $6 per month apiece for leg injuries, while a couple of *Hussar*'s crew were paid $12 per month, one for a useless leg and one for a lost arm. A musket ball lodged next to his spine earned one of *Ned's* crew $4 a month. The widow of Capt. John Murphy of



The Gaspé *of Jersey Engaging the Privateer* Diomede *of Salem, MA*
The 243-ton Quebec-built ship *Gaspé,* owned by merchants from the Island of Jersey, finally escaped from the 150-ton Salem privateer *Diomede* in May 1814 after an engagement lasting several hours. The fight was commemorated by a twelve-pence stamp in 2009. Oil by Philip John Ouless, 1851. (*Source*: Courtesy of the Jersey Heritage Collections.)

Grampus collected a pension of $10 per month after his death, while the widow of Capt. Henry Levely of *Nonsuch* received $12. When the widow of *Syren*'s captain, J. D. Danels, remarried, her pension of $20 per month went to his son.[97] Given the relative youth of most privateersmen, however, it is unlikely that the provision of pensions would have influenced their career choice one way or another.

CONCLUSION

The decision to apply for a letter of marque was based on whether ship owners and investors felt that the potential gains outweighed the risks. Prize money from the sale of captured ships and cargoes had to replace income from trade no longer accessible to many merchants and shipowners. The entire system relied on the ability of commissioned vessels and crews to identify the most likely prizes, present enough of a threat to make them surrender without a fight, and get away cleanly by superior sailing if something went wrong.

Given how precarious privateering was throughout the War of 1812, econom-

ically and physically, it is amazing that so many actually engaged in it. All were familiar with the risks, yet at least thousands of colonial and American privateers chose to serve aboard more than 650 letters of marque and privateers between July 1812 and March 1815.[98] In spite of regular reports to the contrary, the popular perception of privateering as "a multitude of small actions which involved little serious danger" seems to have prevailed.[99] Perhaps, when compared to the odds of death on the battlefield or in the navy, privateering seemed like a safer alternative. Lack of contemporary records makes it extremely difficult to calculate how many men were killed in privateer actions, but given the relatively few engagements reported and the low number of widows' pensions, it is likely that not more than a couple of hundred perished in total, although many more were wounded and maimed for life. Smaller, lighter, and more inclined to fly than fight, most of the privateers from New Brunswick and Nova Scotia managed to survive the war. Only ten licensed vessels from Atlantic Canada, or nearly 20 percent, were taken, as compared to 231 American letters of marque, or roughly 40 percent of vessels commissioned by the United States.

Since fewer provincial privateers were captured, fewer became prisoners of war, and those tended to be exchanged quickly, thanks to the Royal Navy's seizure of so many American ships. One historian suggests that the U.S. Army captured six thousand prisoners of war while their sea forces (mostly privateers) took thirty thousand.[100] This estimate seems excessive, given the thousands of sailors released, ransomed, and recaptured from American custody. Moreover, if the United States had had that many prisoners available for exchange, it is unlikely so many would have been left to languish in His Majesty's depots from Halifax to Bermuda and Jamaica to Dartmoor.

Whether caught up in the fog of war or actually lost in foggy weather, privateers could not help but notice that the likelihood of injury, imprisonment, and death increased as their income from privateering declined. Once it became more hazardous and destructive than anticipated, private armed warfare lost much of its appeal. Privateering did not die because privateers did, but the combined risk of physical and financial loss proved a powerful deterrent.

CHAPTER 5

The Prizewinners

Altho' we could not save the GENERAL,
Columbia's fame we held in view.
We have chastis'd the haughty Britons
With our little YANKEE CREW[1]

—*Anonymous*

From the first prize taken until the last court case decided, American privateers challenged Britain's vaunted freedom of the seas from the Atlantic Coast to the English Channel and from the Caribbean to the coast of Africa and into the Pacific Ocean. Hiking insurance rates and enraging merchants, in just six months, more than two hundred aggressive American privateers, with names like *Eagle*, *Wasp*, *Hornet*, *Bee*, *Scorpion*, *Swordfish*, *Thorn*, *Snapper*, *Weazel*, *Viper*, *Anaconda*, and *Rattlesnake* nipped, stung, squeezed, bit, and bothered British shipping from Newfoundland to the Gulf of Mexico and beyond, capturing nearly 350 prizes between June and the end of December 1812.

Meanwhile, merchants and shipowners from the British provinces of New Brunswick and Nova Scotia rallied their own private armed response to the American depredations off their coasts. Although generally smaller, less well-armed, and less well-capitalized than their neighbors, the provincial privateers held their own. Many of the American privateers taken into Halifax were snapped up at auction by enterprising investors, refitted, reflagged, and sent out to prey on their former colleagues, raising, if not evening, the score of prizes taken.

Initiated by a declaration of war followed by a prize act, privateering was a temporary economic weapon that some considered better than stagnation but not as profitable as "peaceful commerce."[2] For most practitioners in Atlantic Canada and the United States, this was largely true. But for a few, attacking enemy trade with a full crew, fair winds, and a letter of marque in hand opened a doorway to

adventure and wealth beyond their wildest dreams. Having examined the legal, economic, strategic, and personal aspects of private armed warfare, it is time to appreciate what set a few of the most successful privateers from Atlantic Canada and the United States apart from their fellows.

Given that privateering was a business, albeit a short-term one, determining which vessels made the most profit is complicated by the fact that some privateers captured, destroyed, or discarded a large number of enemy vessels over several cruises but did not earn their crews or investors a lot of money. This was certainly the case for the privateers from New Brunswick and Nova Scotia which tended to target smaller, less richly laden prizes that were more their size. Others made fortunes with just a few prizes. For the purpose of this chapter, success is defined as both value and volume, whether or not the actual prizes were destroyed, released, ransomed, converted to cartels, lost, or brought in and condemned in an admiralty court. Drawing on a variety of sources from archival records, ships' logs, and memoirs (where they exist) to court documents, prisoner-of-war records, and newspapers, as well as hundreds of secondary sources, I have chosen an arbitrary list of privateers, most with forty or more prizes to their credit, at least half of which reached court. They were members of an ancient fraternity that faded quickly after the War of 1812 and all but disappeared with the Declaration of Paris in 1856.[3] Yet, from June 1812 to March 1815, private armed warfare was a daily fact of life for the maritime communities of North America, and news and rumors about the major prizewinners were part of that popular experience.

LIVERPOOL PACKET (LIVERPOOL, NOVA SCOTIA; ESTIMATED UP TO 100 PRIZES, 50 TO PORT)

The *Liverpool Packet* made the transition from the *Severn*, a slave tender nicknamed the *Black Joke*, to arguably the most successful privateer in North America during the War of 1812. Condemned in late 1811 for contravening England's recent antislavery laws,[4] the small, fast schooner was bought at auction for £440 by Enos Collins of Liverpool, Nova Scotia, a young entrepreneur who had just moved to Halifax. Having served as first mate on the privateer *Charles Mary Wentworth* during the Napoleonic Wars a decade earlier, Collins knew a good privateer when he saw one. Recognizing the potential of the sleek, sixty-seven-ton schooner, he bided his time, initially employing her as a mail packet between Liverpool and Halifax. When the United States declared war in June 1812, Collins prepared his vessel and requested a letter of marque.

Finally, on 20 August 1812, Collins received a provisional commission from

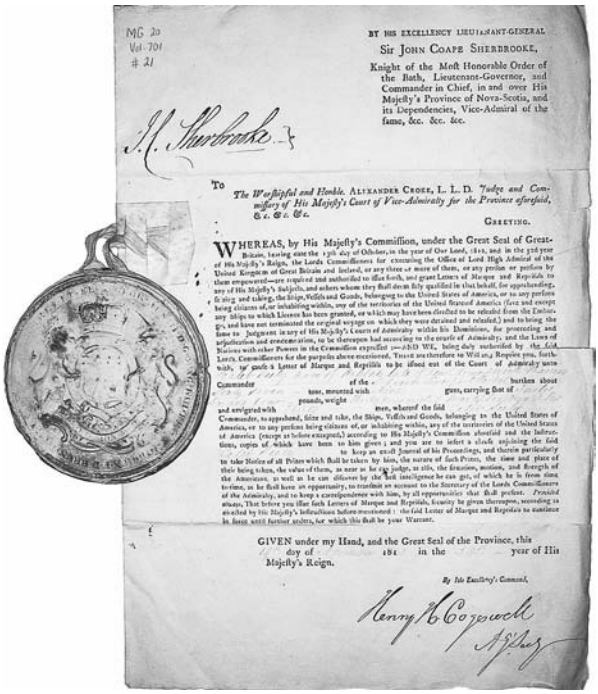
The Liverpool Packet *of Liverpool, Nova Scotia*
Purchased in 1811 for £440, the schooner *Liverpool Packet* went from being a slave tender to the most successful privateer of the War of 1812, capturing up to one hundred prizes and sending in at least fifty to earn her owners and crew at least $1 million in today's currency. "War of 1812 Liverpool Packet," by Thomas Hayhurst, ca. 1930. (*Source*: Courtesy of the Queens County Museum, Liverpool, Nova Scotia.)

Lieutenant Governor Sir John Coape Sherbrooke of Nova Scotia, authorizing the *Liverpool Packet* to "apprehend, seize and take" American-owned vessels and cargoes and bring them to Halifax, "here to remain until His Majesty's Pleasure."[5] Reprimanded for his unilateral decision by Lord Bathurst, Britain's secretary of war, Sherbrooke justified it as an attempt to keep American privateers away from the coast and employ fishermen who were thrown out of work because of the war.[6] Reinforced to carry five rusty guns, said to be former gateposts on the waterfront, and a crew of forty, the *Liverpool Packet* set off on her first cruise under veteran captain John Freeman.[7] Although not the first Atlantic privateer out of the gate (New Brunswick's *General Smyth* took the first prize in mid-August),

the former mail schooner with the sharply raked masts, square stern, and exaggerated bowsprit captured two ships, *Factor* and *Middlesex*, on the first of at least a dozen cruises and quickly replaced her guns. *Factor* was condemned in the vice-admiralty court and sold for £1,139.7.6, although her valuable cargo of wine and jewelry was restored to her neutral Portuguese owners.[8] *Middlesex*, licensed to carry salt, coal, and earthenware from Liverpool to New York, was restored. The *Packet*'s next few cruises were enormously successful under the dashing Joseph Barss Jr., who was lean and dark, with fashionably long hair and sideburns. Barss staked out Cape Cod as his hunting ground; in one week in October 1812, he captured eleven vessels, and he later took nine fishing schooners in a single day. In November, the *Portland Gazette* described the *Packet* as "a low vessel, painted black, in size and appearance like one of our Gun Boats and keeps most of the time, American colors hoisted . . . Has taken a number of Coasters this cruise."[9] Fed up with the privateer's insolence, two Salem captains, Henry Tibbetts and John Upton, decided to take matters into their own hands. They borrowed the schooner *Helen* from owners White and Knapp (who assumed all the risk), while the Crowninshields loaned them four six-pounders. Upton, one of the seafaring Uptons of Salem and captain of three other privateers (*Black Vomit*, *Cossack*, and *Orion*), obtained a commission and set up a recruiting parade. *Helen* set sail the same day with seventy volunteers, some of whom leaped on board just as the ship was leaving the dock. By then, the *Liverpool Packet* was long gone, and *Helen* was sold after a fruitless one-week cruise.[10] In December, Barss snapped up another eight or nine vessels worth an estimated $100,000. By then, his outraged victims began demanding a canal be dug across Cape Cod to protect their ships.[11]

In late 1812, the *Liverpool Packet*'s twenty-one prizes were auctioned off, with sales ranging from £284.7.6 for the 105-ton schooner *Union* to £2,813.13.2 for the ninety-seven-ton schooner *Lucretia* and her cargo of beef, pork, candles, soap, butter, lard, paper, shoes, and fishing line.[12] Since the first seventeen of these prizes were taken prior to Britain's official declaration of war, the court condemned them as rights of the Crown (*jure corone*), and it took Collins until June 1814 to obtain title to the money they earned, a not-inconsiderable £27,075.1.8.[13] The *Boston Messenger* declared indignantly, "That an insignificant fishing schooner of five and thirty tons should be suffered to approach the harbour of the metropolis of Massachusetts, capture and carry home in triumph 8 or 9 vessels of sail valued at from $70–90 thousand dollars . . . in the short space of 20 days from the time she left Liverpool, Nova Scotia, should seem utterly incredible were the fact not placed beyond any doubt."[14]

In early 1813, the *Packet* was once more prowling around Cape Cod, sending in


MG 20
Vol. 701
21

BY HIS EXCELLENCY LIEUTENANT-GENERAL
Sir JOHN COAPE SHERBROOKE,
Knight of the Most Honorable Order of the Bath, Lieutenant-Governor, and Commander in Chief, in and over His Majesty's Province of Nova-Scotia, and its Dependencies, Vice-Admiral of the same, &c. &c. &c.

J. Sherbrooke

To *The Worshipful and Honble.* ALEXANDER CROKE, L. L. D. *Judge and Commissary of His Majesty's Court of Vice-Admiralty for the Province aforesaid, &c. &c. &c.*

GREETING.

WHEREAS, by His Majesty's Commission, under the Great Seal of Great-Britain, bearing date the 13th day of October, in the year of Our Lord, 1812, and in the 52d year of His Majesty's Reign, the Lords Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland, or any three or more of them, or any person or persons by them empowered—are required and authorized to issue forth, and grant Letters of Marque and Reprisals to any of His Majesty's Subjects, and others whom they shall deem fully qualified in that behalf, for apprehending, seizing and taking, the Ships, Vessels and Goods, belonging to the United States of America, or to any persons being citizens of, or inhabiting within, any of the territories of the United States of America (save and except any Ships to which Licenses has been granted, or which may have been directed to be released from the Embargo, and have not terminated the original voyage on which they were detained and released,) and to bring the same to Judgment in any of His Majesty's Courts of Admiralty within his Dominions, for prosecuting and adjudication and condemnation, to be thereupon had according to the course of Admiralty, and the Laws of Nations with other Powers in the Commission expressed :—AND WE, being duly authorized by the said Lords Commissioners for the purposes above mentioned, THESE are therefore to Will and Require you, forthwith, to grant a Letter of Marque and Reprisals to be issued out of the Court of Admiralty unto

Commander of the burthen about tons, mounted with guns, carrying shot of pounds weight men, whereof the said is Commander, to apprehend, seize and take, the Ships, Vessels and Goods, belonging to the United States of America, or to any persons being citizens of, or inhabiting within, any of the territories of the United States of America (except as before excepted,) according to His Majesty's Commission aforesaid and the Instructions, copies of which have been to him given; and you are to select a clerk enjoining the said to keep an exact Journal of his Proceedings, and therein particularly to take Notice of all Prizes which shall be taken by him, the nature of such Prizes, the time and place of their being taken, the value of them, as near as he can judge, as also, the finances, motion, and Strength of the Americans, as well as he can discover by the best intelligence he can get, of which he is from time to time, as he shall have an opportunity, to transmit an account to the Secretary of the Lords Commissioners of the Admiralty, and to keep a correspondence with him, by all opportunities that shall present. *Provided always*, That before you illue fuch Letters of Marque and Reprisals, fecurity be given thereupon, according to an order of His Majesty's Inftructions before-mentioned: the faid Letter of Marque and Reprifals to continue in force until further orders, for which this fhall be your Warrant.

GIVEN under my Hand, and the Great Seal of the Province, this day of 181 in the year of His Majesty's Reign.

By His Excellency's Command,

Henry H. Cogswell

Letter of Marque for the Liverpool Packet
One of several letters of marque issued to the *Liverpool* Packet by Sir John Coape Sherbrooke, Lt. Governor of Nova Scotia. This one is dated 19 November 1813 and names Caleb Seely as commander. (*Source*: Nova Scotia Archives.)

at least a dozen prizes while destroying or paroling many more. Then on 11 June, on his tenth cruise, Barss's luck ran out. The *Thomas* of Portsmouth, owned by prominent merchant Abraham Shaw and captained by his son, Thomas Manning Shaw, was a 122-ton schooner, twice the size of the *Liverpool Packet*, with double the firepower. *Thomas*'s crew was more than double the *Packet's* at the time, the latter having manned out several prizes. Barss and his crew fought until they were out of ammunition, then they threw four of their five guns overboard and ran for it. After a five-hour chase, outnumbered and outgunned, Barss finally lowered his flag. In the confusion of boarding, three Americans were accidentally killed, the only casualties of the capture.

Bearing the brunt of the anger, humiliation, and expense caused by the *Packet*, Barss and his crew were jeered as they were marched in irons from the dock. Considered "too savage a wolf to let loose on the New England flock,"[15] Barss was not paroled into the town like most privateer captains but kept in jail, closely

confined, on a diet of water and hardtack. At the urging of Enos Collins, Lieutenant Governor Sherbrooke intervened on his behalf, but Barss was not released until he signed an affidavit promising to cease any further privateering on pain of death.[16]

Meanwhile, the *Liverpool Packet* had been condemned in the Massachusetts admiralty court and sold for $3,349.87.[17] Refitted as the *Young Teazer's Ghost* while Barss was still in jail, she failed to take any prizes on her first cruise and was sold to new owners in Kennebunk, Maine.[18] From there she set out in September as the *Portsmouth Packet*, only to be captured less than a month later after a thirteen-hour chase by HMS *Fantome* and carried home to Halifax. Sold at auction for the third time in two years, the schooner was bought once more by Enos Collins, refitted, and sent out under twenty-five-year-old Caleb Seely, captain and part owner. Former master of the New Brunswick privateer *Star*, Seely wasted no time rounding up another fourteen prizes in eleven months' cruising. After that, he used his earnings to retire to Liverpool and open a trading house.[19] By the time Lewis Knaut took over as the last captain of the *Liverpool Packet* in November 1814, the British blockade had effectively ended the *Packet*'s run as "the evil genius" of the American coasting trade, and she sent in only four prizes.[20] Ironically, the *Packet*'s first captor, *Thomas* of Portsmouth, was taken by the British and ended up as a Nova Scotia privateer, *Wolverine*, owned by, among others, Joseph Barss Jr. and Lewis Knaut, both former captains of the *Liverpool Packet*.

Although the *Liverpool Packet* never really ventured beyond Cape Cod in twelve cruises under four different captains, she succeeded in sending in more prizes than all of the provincial privateers combined and more than any of the six hundred American letters of marque. Just how many prizes the *Packet* actually took is not known, although if forty-eight prizes made it to court, one hundred captures seems a safe estimate.[21] The approximate value of her prizes is similarly elastic, ranging from one to many millions of dollars. Among her owners were Enos Collins, Benjamin Knaut, John and James Barss (brothers of Joseph Barss Jr.), Joseph Allison, Joseph Freemen, and Caleb Seely, two of them her former captains. Privateering was a family affair among the interrelated mercantile community of Atlantic Canada. Isaiah Barss, along with Seth, Samuel, Thomas, John, Malachi, and Benjamin Freeman all served as prizemasters on the *Packet*, as well as on other privateers owned by Enos Collins, Joseph Freeman, and the Barss family. After the war, the *Liverpool Packet* was sold in Kingston, Jamaica, and presumably returned to more mundane pursuits. John Freeman and John Barss both went on to careers in provincial politics, while Enos Collins reinvested his prize money in other ventures, including banking and shipping, and built him-

self a fortune. By the time of his death in 1871 at age ninety-seven, Collins was reputedly the richest man in Nova Scotia with an estate worth $7 to 9 million.[22]

YANKEE (BRISTOL, RHODE ISLAND; 57 PRIZES CAPTURED, 20 TO PORT)

The War of 1812 was only a few weeks old when merchant James DeWolf of Bristol, Rhode Island, obtained a commission for his 160-ton brig *Yankee,* carrying 18 guns and 115 men. As her first captain, twenty-seven-year old, Connecticut-born Oliver Wilson set off on a six-week cruise around Nova Scotia, returning with seven or eight prizes, which not only repaid DeWolf's original investment but returned a profit of $700 per share.[23] That made Wilson's sixteen shares worth $11,000, no doubt contributing to his reputation as "cheerful, generous, candid, fond of his friends, and companions."[24] While most American admiralty court cases were reasonably straightforward, the condemnation of the ship *Frances* was appealed to the U.S. Supreme Court at least seven times by various parties over the next two years, before being upheld by Judge William Johnson.[25] The fact that the cargo aboard the licensed ship sailing from Greenock, Scotland, to New York was said to be worth a staggering $500,000 may have contributed to the excessive litigation.

On *Yankee*'s second cruise of 150 days, Wilson was sent to scour the west coast of Africa and return via Brazil. Minus a couple of ships destroyed or recaptured and one given up to prisoners, he sailed home with 8 prizes, 196 prisoners of war, 62 guns, 406 muskets, and over $200,000 in property including 400 casks of gunpowder worth $17,000, 6 tons of ivory, and $40,000 worth of gold dust.[26] Although not quite as lucrative as the first cruise, *Yankee* still paid participants a dividend of $338.40 per share.[27]

By *Yankee*'s third cruise in May 1813 under Capt. Elisha Snow, prizes were already diminishing. Of nine ships taken, five were recaptured, one destroyed, and one given up, sending only two vessels and some of the cargo to auction. Of these, the 171-ton brig *Thames* and her cargo of cotton, ivory, and dry goods captured en route from Majumba to Liverpool, England, sold for $110,000. With each share worth $173.54, it hardly repeated the success of the earlier cruises.

Yankee changed hunting grounds her fourth cruise, intercepting ships around the Grand Banks and sending in only two prizes that returned a mere $17.29 per share. On her fifth cruise in the spring of 1814, pickings were so slim that *Yankee* not only had seven of her eight prizes recaptured, but after she was chased into New Bedford by a British man-of-war, most of her crew deserted. The fortunate sale of the full-rigged ship *San Jose Indiano* and her cargo of dry goods

and hardware for more than half a million dollars earned DeWolf and his partner John Smith $233,313 between them. Even the boys aboard received $700 apiece as their share.[28]

That was enough to justify a sixth and final cruise on 30 September 1814, this time under William Jenks. Thanks to the British blockade, *Yankee* managed only six prizes (two recaptured, one cartel, and the 600-ton East Indiaman *General Wellesley*, worth an estimated $200,000, grounded and lost on Charleston Bar). Proof of how diminishing prize returns affected even the most successful privateers, the *Yankee* nevertheless amply rewarded her owners, captains, and crews over the course of six cruises. She is credited with capturing fifty-seven vessels, twenty of which actually made it in to port, and pumping at least a million dollars into the little town of Bristol, Rhode Island, through the sale of more than $5 million worth of British property.[29]

James DeWolf, who owned three-quarters of the *Yankee*, had been a privateer captain during the Revolutionary War, a British prisoner of war, a merchant, and a slave trader and had once been accused of murder. After the War of 1812, he served as a member of the state legislature and in 1821 became a senator. He used the money he made from privateering as well as other enterprises to become the wealthiest man in Rhode Island; on his death in 1837, he was possibly the second richest man in the United States.[30] The *Yankee*'s postwar fate is not known.

COMET (BALTIMORE, MARYLAND; 57 CAPTURED, 11 TO PORT)

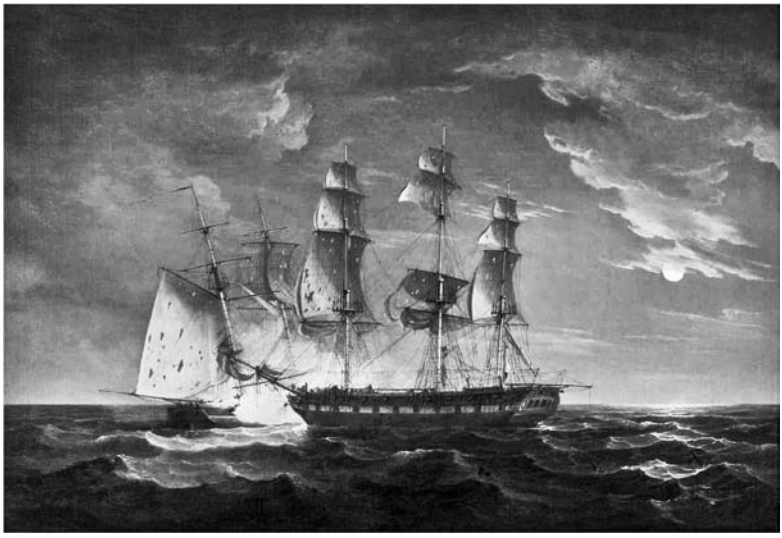
Baltimore owned and built like *Surprise*, the *Comet* was as famous for her captain as for her career. In command of a ship at age sixteen, Thomas Boyle moved in 1794 to Baltimore, where he continued his sailing career, first in the merchant service and then as a privateer. His first ship, the 187-ton pilot boat schooner *Comet*, was built for the slave trade but converted to a privateer by a group of eager investors even before the declaration of war.[31] Armed with fourteen guns and 110 men, *Comet* carried commission number four, dated 10 July 1812. The next day, Boyle set off to harass the West Indies and make his fortune.[32] Reputed to have overhauled every vessel she chased and captured every British vessel she saw, by the time she returned to Baltimore in October, *Comet* had captured six prizes, sent in four, and made her owners $100,000 in eighty-three days at sea.[33]

Among these early prizes was the *Hopewell*, a 346-ton British ship of fourteen guns carrying coffee, cotton, molasses, and cocoa from Surinam and Jamaica to London. According to recent calculations, "the capture paid an able-bodied crewman $210.78, or about seven months' worth of salary in alternative employment, and Captain Boyle's 16 shares were worth $1,686.24, or at least $90,000 today."[34]

On his second cruise, with Clement Cathell as his first lieutenant, Boyle left the Chesapeake in the dead of a December night and sailed south to Brazil. While waiting off Antigua for a British convoy to sail on 14 January 1813, Boyle took the *Vigilant*, a tender to Sir Francis Laforey, admiral of the Windward Island Station, and sent it into Wilmington.[35] After giving the Royal Navy a black eye, Boyle turned on the Portuguese. On 10 January 1813, he caught up with three ships traveling from Pernambuco, Brazil, to Liverpool under convoy of the *Libre*, a Portuguese ship of war with twenty guns and 165 men. When *Libre*'s captain, Vascousellos de Milo, tried to order him off, Boyle declared he would take whatever ships he could. Moreover, as a neutral, Portugal had no right to interfere with an American privateer, and, although he would not initiate combat, if *Libre* tried to stop him, Boyle would return fire. This put the Portuguese captain in a very embarrassing position, torn between his duty to his convoy and his status as a noncombatant.[36] Duty won, and Boyle was forced to fight him off while cutting out his prizes, resulting in a four-and-a-half-hour running battle. Boyle disabled the brig *Bowes* and forced the two others to lower their flags but did not take possession of them before nightfall. Although the *Bowes*'s captain accused the *Libre* of sitting back and offering them no assistance, de Milo did help the other two British vessels escape.[37] All went for naught, however, as *Bowes* was recaptured on its way into port by HMS *Opossum* and diverted into Saint Vincent's.[38] Boyle next captured four Demerara vessels in quick succession on 6 March 1813. *Adelphi*, *Alexis*, *Dominica Packet*, and *Jane* were not very valuable, and *Alexis* was eventually retaken by HMS *Lightning*, making Boyle's second cruise far less lucrative than his first.[39]

A bold and enterprising captain, even a "braggart," according to some, Boyle was also the only American privateersmen to combine naval service with private armed warfare in the same year.[40] In the spring of 1813, the Chesapeake was nearly completely blocked by British naval vessels, so the U.S. Navy contracted the *Comet* and fellow privateers *Wasp*, *Patapsco*, and *Revenge* as patrol vessels to observe British movements. On 16 April 1813, Boyle became a sailing master in the U.S. Navy, a brief career that lasted until September, when he began to ready *Comet* to return to privateering.

A fortuitous storm on 29 October 1813 allowed Boyle to slip through the blockade and head back to the West Indies. Between then and January 1814, according to the *Baltimore American*, the *Comet* brought in twenty prizes, manned seven, ransomed six, and destroyed the rest. Aside from the *True Blooded Yankee*, the paper considered *Comet* to have "done more injury to the commerce of the enemy than any of our cruizers."[41] Sailing home, on 11 January 1814, Boyle came upon the 800–ton British merchant ship *Hibernia* (6 guns, 22 men). For the next nine



The Merchant Ship Hibernia *Fighting off the Privateer* Comet *of Baltimore, MD* The 187-ton Baltimore privateer *Comet* fought a gruelling nine-hour action with the 800-ton British merchant ship *Hibernia* in St. Thomas, Danish West Indies. *Hibernia* eventually escaped with many casualties on both sides. Painting: Hibernia attempts to Strike Comet's main mast as the latter is crossing her Bows. 11 Jan. 1814. (*Source*: Library and Archives Canada, John Lennon Collection, MIKAN 2939093.)

hours, the unevenly matched *Comet* and *Hibernia* traded broadsides, with three killed and sixteen wounded aboard *Comet* and one killed and eleven wounded in *Hibernia*.[42] Badly damaged and too close to British waters, Boyle decided to cut his losses and return to Baltimore. Three of his four prizes arrived safely in Wilmington, North Carolina.

Boyle stepped down as captain of the *Comet* on 19 March 1814, leaving the privateer at Beaufort, North Carolina. His new command was *Chasseur*, a 356-ton Baltimore schooner that was twice a big as *Comet* and, thanks to Boyle, twice as famous, although not as financially successful. Meanwhile, *Comet* was sold to New York interests at Charleston in early December 1814 but does not appear to have sailed again under a letter of marque. She was later sold in Havana.

AMERICA (SALEM, MASSACHUSETTS; 45 CAPTURED, 19 TO PORT)

Salem's largest, fastest, most heavily armed, best manned, and luckiest ship,[43] *America* was a 437-ton schooner built in 1804 as a merchantman for Crownin-

shield & Sons. Once war was declared, she was cut down to 331 tons and outfitted as a privateer. One of several privateers owned in various combinations by the Crowninshield family, *America*'s first cruise under Joseph Ropes lasted four months and returned six prizes worth over $150,000, with only one recaptured.[44] With a crew of 170, including 20 marines, Ropes headed for the rich sea lanes of the eastern Atlantic, plucking prizes from the English Channel down to the coast of Spain. Among his prizes was the British ship *Hope*, almost as large as *America*, with a cargo of sugar, cotton, and rum that netted nearly $50,000 in profits and more than repaid the cost of outfitting the privateer. Another prize, the 135-ton brig *Dart*, was carrying rum and cotton from Grenada to Gibraltar. Her cargo, which sold at auction for $23,422.98, was divided between owners and crew. Ropes's last prize, the *Euphemia*, had 400,000 weight of coffee and $1,400 in specie aboard. Although Ropes removed the great guns and the specie and put on a ten-man prize crew, *Euphemia* nearly got away when her captain, John Gray, his brother (a passenger), and the cook tried to reclaim their ship as they neared the Nova Scotia coast. Unable to manage a 200-ton brig through January gales, however, the three re-captors agreed to give up their attempt in return for the more than $500 worth of private property in their trunks, their freedom, and "gentlemanly treatment" upon reaching Portland. Ropes thoughtfully dropped them off in a remote inlet in Maine; from there, they made their way back to Halifax. In May, this time aboard the brig *Lucy* for London, the Gray brothers were captured by the *America* again but retaken a few days later by HMS *Shannon* and sent into Halifax. One is left wondering whether they ever made it home.[45]

On her second cruise under John Kehew (former master of George Crowninshield Jr.'s yacht-privateer *Jefferson* and Ropes's first lieutenant on his previous cruise), *America* reduced her crew from 170 to 140 and increased her broadside power from seven to twelve guns, adding more on later cruises. Armed with thorough instructions from the owners about where to sail, which ships to capture, which to avoid, and a warning not to engage in any "drunken frolicks" or "high goes,"[46] Kehew headed for the North Atlantic. Part of *America*'s success was likely due to the professional way she was managed. Unlike most privateers, *America* was run like a naval vessel with three divisions, each under a lieutenant, assigned specific watches and battles stations and supported by sharpshooting marines. Over the next few weeks, Kehew captured a dozen vessels, mostly smaller brigs in ballast or carrying less valuable cargoes. He released several, sent in others, and lost a couple to recapture, a record not atypical of the period but not up to the standard set by Ropes.

America's next few cruises were under the command of James W. Chever

Jr., who had been an eleven-year-old cabin boy on *America*'s first merchant voyage. His first target was a very large British transport vessel that shot up *America*'s shrouds and killed one of his men before Chever sheared off and escaped. Once *America* found a convoy to stalk, she eventually captured a half-dozen plump prizes, which, when sold, earned Crowninshield & Sons $40,000 and each ordinary sailor $219.52, nearly a year's wage at $20 per month. Chever's share was ten times that, which was not bad for a twenty-year-old in his first command.

Storms and accidents interrupted plans for *America*'s next cruise, but once she eventually left Salem in November 1814, eleven prizes quickly followed. The first was the British brig *Falcon*, carrying nine hundred bibles in English and Dutch and three hundred testaments to further missionary work at the Cape of Good Hope. Inspired by such Christian charity, the Crowninshields sold the books to the Bible Society of Massachusetts at the miraculously low rate of "*twenty cents* to the *pound sterling*!" (Niles's italics). Even without the bibles, *Falcon* and her contents still made $122,000 at auction.[47]

Another prize, *Adeona*, was a large British barque richly laden with hundreds of bales of fabrics, clothing, furnishings, artworks, carpets, and carriages among other "plantation stores" heading for Demerara. Inspecting the goods before they went to auction, Mary Boardman Crowninshield, Benjamin's wife, wrote to her husband several times, hinting, "Grandma expects one more present" out of the prize goods, and coveting a "beautifully bound red morocco edition of Junius" for herself. A few days later, she called his attention to a chaise that she thought might be worth buying if it went cheap enough (although she was leaning more toward a carriage), as well as the most elegant ladies' clothing, a looking glass for their "setting room," a painted canvas carpet that might fit their room, and other sofas, card tables, and jewelry. In the end, she simply asked him for $1,000 worth of "pritty things," knowing that he would never miss it.[48]

Despite a brilliant three-year career that earned her crews, owners, and investors over $1.1 million, of which the owners cleared not less than $600,000, *America* was abandoned. Slowly, she deteriorated at the Crowninshield Wharf until 1831, when her cannon were turned into street posts and her hull was broken up.[49]

SAUCY JACK (CHARLESTON, SOUTH CAROLINA; 45 PRIZES CAPTURED, 18 TO PORT)

If ever a privateer led a charmed life, it was the *Saucy Jack*. Built in Charleston as a privateer in 1812, she was a medium-sized, 164-ton schooner with nine guns

and 150 men, painted black with a white stripe.[50] Anxious to be ready for sea the minute his letter of marque arrived, her owner, John Everingham Smith, ordered his armament delivered to the dock to await installation. There were others in Charleston, however, who were either opposed to the war or objected to *Saucy Jack* getting to sea ahead of them. One night, seven of her guns were damaged where they lay. The local newspaper reported, "On Friday night last, some villain or villains spiked the guns belonging to the beautiful new privateer schooner 'Saucy Jack,' as they lay on the wharf."[51] Despite the offer of a $300 reward, there is no further reference to a capture or arrest.[52] A few weeks later, when the privateer was launched, she carried a new set of guns, considerably increasing the cost of outfitting her.

Saucy Jack's first captain was Thomas Hall Jervey, a merchant sailor once pressed by the British and later described as a "Man of God and the Sea." His first and only cruise took him around Haiti and the Windward Passage and garnered three prizes, including one released as a cartel.[53] Pierre Sicard commanded the second cruise from October to February 1813, taking four prizes, releasing two, and bringing in the ship *Mentor* from London to Jamaica with a cargo said to be worth $60,000.[54]

Encouraged by even one good prize, her investors financed another cruise, but this time, the *Saucy Jack*'s master was the dashing John P. Chazal, who commanded the privateer for the rest of her career. Born in France, Chazal and his family moved to Santo Domingo, living there until forced to flee the slave revolt in 1794. They settled in Charleston, South Carolina, where Chazal became an American citizen in 1803 at age twenty-two. He went to sea, was captured a few years later, and pressed into the Royal Navy. Luckily, the French-speaking Chazal was able to escape at Toulon and return to Charleston in time to go to war against his old shipmates.[55] In 1812, he sailed as captain of the small, fifty-ton privateer *Mary Ann* for two cruises, moving to the *Defiance* when the *Mary Ann* was sold. When *Defiance* was captured by HMS *Nimrod* in April 1813, Chazal was in a Jamaican hospital recuperating from a wound. Once recovered, he took command of the *Saucy Jack* for her next five cruises, capturing prize after prize under his private signal, *Never Despair*.[56]

On his first cruise with the "*Jack*," Chazal not only captured the standard privateer fare of a half-dozen schooners, brigs, and sloops, releasing the least valuable and sending in the rest, but also was responsible for the loss of HMS *Persian*, a 384-ton Royal Navy sloop of war that ran aground on 16 June and broke up on Silver Keys Bank near Santo Domingo while chasing the privateer.[57] Heading into Saint Mary's, Georgia, with a couple of prizes in the midst of a September hurricane, it was the *Saucy Jack*'s turn to be driven ashore, "lying high and dry

on a marsh that must be at least 5 feet above the level of low tide." Fortunately, the *Saucy Jack*'s luck held, and although two gunboats were destroyed, she only suffered a damaged rudder.[58]

On his next cruise in October 1813, Chazal ran down the New Brunswick letter of marque *Sir John Sherbrooke* on a trading voyage to Cuba.[59] Although of similar size and armament, *Sherbrooke's* captain, Thomas Robson, was operating short-handed with 20 men as opposed to Chazal's 120. Heavily outmanned, Robson held out for one-and-a-half hours and beat off three attempts to board him, until a musket ball entered his mouth and exited behind his ear, nearly killing him. With the mate already dead and the rest of the crew either dead or injured, he was forced to yield, although not before wounding at least fifteen Americans in the skirmish.[60] Between October and December on the same cruise, Chazal captured and burned several enemy vessels, releasing others like the *John* and the *Lovely Lass* that were too small to even bother ransoming and thereby earning Niles's editorial approbation as a privateer and a gentleman.[61]

On the *Saucy Jack*'s next cruise in the spring of 1814, Chazal took two major prizes. The *St. Nicholas*, captured in early March 1814, was carrying logwood and one thousand bales of cotton from Pensacola to London under Russian colors. Several appeals to the Supreme Court and a thick file of correspondence later, Judge William Johnson strongly suspected some sort of fraud under the cover of neutral Russian ownership, but, lacking proof, he had to restore the ship and cotton to the claimants, although he condemned the valuable logwood to the *Saucy Jack*.[62] At the end of April 1814, Chazal sent in his largest and most valuable prize, the 540-ton ship *Pelham*, whose crew defended her heroically, losing four men, including their captain, with eleven injured. Bristling with ten twelve-pounder carronades and several long six-pounders, *Pelham* was newly built, coppered to the bends, elegantly appointed, and fully loaded with fabrics, hats, shoes, saddlery, earthenware, glassware, foodstuff, wine, porter, beer, paint, gunpowder, an organ, and a piano forte, with an estimated total value of £18,000 sterling. After describing the splendid cargo in great detail for his readers, Niles notes two finely framed prints of the engagement between HMS *Shannon* and USS *Chesapeake* hanging among others in the main cabin. He cannot resist the obvious irony of seeing this commemoration of British victory smashed by an eighteen-pound shot from *Saucy Jack*'s Long Tom.[63]

On 20 July 1814, when other privateer captains were having difficulty finding sailors, let alone prizes, Chazal had no trouble recruiting a full crew of 130 able-bodied seamen in an afternoon. Impressed by such speed and enthusiasm,

the *Boston Gazette* commented, "Probably such a thing is unprecedented even in this country, however remarkable for her maritime enterprise."[64] The *Saucy Jack* sailed out of Charleston ten days later and began scooping up prizes—a number of them flying Swedish flags—which were divested of any valuables (despite their neutral status) and released. Finally, at the cost of several men, including First Lieutenant Johnson, Chazal captured *Amelia*, an English ship from Aux Cayes to Greenock with a cargo worth an estimated $70–80,000 plus twenty prisoners of war for exchange.[65] The cruise came to a dramatic end in Savannah on 20 September, when a bolt of lightning struck the *Saucy Jack*'s main mast, traveled down and through the ship, and exited out the stern after striking a carronade and setting off a charge that killed two men and wounded four.[66]

The unsinkable *Saucy Jack* was repaired and recomissioned for a seventh cruise in October 1814. Working the waters around Jamaica, Chazal took at least seven prizes. On 1 November 1814, he spied a large merchantman and escort. His crew, anxious for a prize, goaded Chazal into attacking the two, so he nailed down the hatches and dared his men to fight. Come daylight, what had appeared to be two easy prizes the night before were actually a British bomb-ship, HMS *Volcano*, and the *Golden Fleece*, a troop transport filled with 250 soldiers. The minute they began boarding, Chazal realized his mistake and tried to sheer off, taking a raking from the *Volcano*'s eighteen guns and numerous rounds of musketry fire that killed eight of his men and wounded fifteen. The crew ripped up the hatches to get below, and Chazal crouched down, tied the rudder to his foot, and, despite his ship being badly cut up, managed to outrun his opponents and limp back to Charleston.

The *Saucy Jack* is variously credited with from forty to fifty prizes (I have found evidence of forty-five), with at least eighteen reaching port. With war officially over in February 1815, the *Saucy Jack* returned to merchant trading. By then, her first captain, Thomas Jervey was the customs house surveyor for the Port of Charleston, a position he held for the next three decades. As for Captain Chazal, he returned to the mercantile trade, settled in Charleston, married, and had six sons. After surviving hurricanes, lightning strikes, broadsides, pursuits, and numerous narrow escapes at sea, Chazal died in 1823 at age forty-two, killed in a fight with a drunken sailor.[67]

TRUE BLOODED YANKEE (AMERICAN, OWNED IN FRANCE; 42 CAPTURED, 17 TO PORT)

One of several privateers with "Yankee" in their name, the *True Blooded Yankee* had a unique, multinational career.[68] In 1806, she was launched in Britain as the

gun brig *Challenger*, captured by the French in 1811, and then converted to an American privateer in France in 1812. Her new owner was Henry Preble, an American merchant living in Paris, and the younger brother of Commodore Edward Preble. He fitted the brig out for privateering with eighteen eighteen-pounders and 150 men and received his first commission on 19 December 1812. Joshua Hailey of Portland, Maine, was the first captain. Her commission was part of a series assigned to New London, Connecticut, which included another, smaller *True Blooded Yankee*, owned by George J. Hailey and captained by Simon Hailey, probably relatives of Preble's captain.

One of the problems Hailey and other American captains faced sailing out of France was a shortage of American hands. In the *True Blooded Yankee*'s case, French authorities allowed Preble his pick of men from local French prisons, which enabled him to gather enough Americans to fill out his crew. Preble then sent them to Brest, where they were clothed and read on board.[69] *True Blooded Yankee* began her privateering career on 1 March 1813. Among Preble's first "recruits" was a former British sailor, twenty-four-year-old John Wiltshire, who pretended to be an American to regain his freedom after nearly three years in jail. Unfortunately for Wiltshire, he happened to be among the prize crew of the ship *Margaret* when it was recaptured by the British, and he was identified as a former British seaman. Despite the pleas of his friends, his mother, and even court officials, he was hanged the next August.[70]

Wiltshire and the recapture of another vessel aside, Preble was able to write to a friend in Salem that, in her first thirty-seven days, *True Blooded Yankee* had captured seven vessels and 270 prisoners of war.[71] Among her first prizes was the brig *Fame*, carrying linen, pork, hides, and tallow from Belfast to Bristol. Another Belfast vessel captured a day later was the *Aurora*, laden with bacon, beef, and Irish linens.[72] After selling the cargo, Abraham Riker Lawrence, one of the privateer's owners, bought the *Aurora* himself for $1,000 and renamed her *Aurora* of Boston.[73] In August 1815, Charles Roden, who had been the first lieutenant and boarding officer when *Fame* was taken, officially asked what had become of their prize, captured in March 1813 and sent into Bergen, Norway, for adjudication. He had seen for himself *Fame*'s British registration and other papers and was sure the vessel and cargo would have been condemned as a good prize. Although he was not asking for prize money for himself, he wondered what had become of the *Fame*, since he did not know whether Preble or anyone else had claimed it or the cargo, although he had heard Preble may have sold it in France. His query, like so many others relating to privateers, remains unanswered.[74]

Back in France with her prizes, *True Blooded Yankee* prepared to cruise

again, this time departing in company with the fourteen-gun privateer *Bunker's Hill*, sailing out of Morlaix, France. By May 1813, Hailey was stalking the waters around Scotland and Ireland from Holyhead to the Skerries, where, unlike along the American coast, British warships were scarce and prizes were still plentiful. Under international law, privateers were forbidden to attack land-based targets and generally avoided sailing close to land, where they were exposed to fire from shore batteries or local militia. The master of the *True Blooded Yankee*, however, had no such qualms. As Niles reported, Hailey held several small coastal towns for ransom, seized and held an Irish island for six days, and sailed right into the Scottish port of Bowmore, where he boldly burned seven small vessels at anchor. No other privateer had dared to beard the British lion in his own den, and Hailey's final insult was to run right into Dublin harbor and sink a schooner that had evaded him the day before.[75]

In the fall of 1813, the completely refitted *True Blooded Yankee* sailed on her third cruise with a crew of two hundred under Capt. Thomas Oxnard, Preble's nephew.[76] Toward the end of December, the *True Blooded Yankee* captured her most valuable prize, the 400–ton *Cora*, a merchant ship packed with exotic goods en route from the ancient Turkish port of Smyrna (Izmir) to London. Her cargo included eighteen bales of Turkish carpets, forty-three bales (12,000 pounds) of raw silk, twenty boxes of gums, 160 dozen swan skins, 190 hides, copper, and more.[77] One of fourteen prizes taken on that cruise, *Cora* arrived safely at Roscoff, France, with only one man killed and seven wounded. What became of such a valuable cargo remains a mystery.[78]

By 24 June 1814, the *True Blooded Yankee* had manned out so many prizes that her original complement of two hundred was down to only thirty-two men. Small wonder she was taken by HMS *Hope* (ten guns) and carried into Gibraltar, where she remained for the rest of the war. At least half of the forty-three vessels taken by the *True Blooded Yankee* were either burned, recaptured, or released as prisoner cartels. Nevertheless, enough of her prizes made it to port to ensure that Henry Preble, his investors, captains, and crews all earned a respectable income out of the war.

The seafaring Oxnard and Preble families remained intertwined during and after the war. Thomas Oxnard continued in maritime commerce and died in France in 1840, while his brother, Henry, sailing to the Far East as first lieutenant on the letter-of-marque ship *Hyder Ally*, narrowly escaped capture in 1814 when he returned to Maine with a prize and discovered, too late, that the entire Castine area had fallen to the British. One of Henry Preble's younger brothers was lost at sea in 1815 when the privateer *Dash* of Portland disappeared in a snowstorm.

Preble's sister Martha married her cousin Edward Oxnard in 1819, the year after Henry was named American consul to Palermo. Having lost most of his fortune after the war, Preble found his consular pay too low and resigned.[79] He returned to the United States to live with his daughter in Pennsylvania and died in 1825.[80]

SURPRISE (BALTIMORE, MARYLAND; 42 PRIZES CAPTURED, 11 TO PORT)

Built in Thomas Kemp's shipyard in St. Michael's, Maryland, in 1813, *Surprise* did not receive her first letter of marque until 14 March 1814, making her a relative latecomer to the privateering game. Her owner-investors were a group of Baltimore merchants and businessmen who had stakes in numerous privateers outfitted from that port. John Hollins, John Smith Hollins, and Michael McBlair of Hollins and McBlair shared their risk in *Surprise*'s four cruises with James A. Buchanan and Samuel Smith of Smith & Buchanan, along with investors Lemuel Taylor and Gerard Wilson, also of Baltimore, and William P. Richardson of Salem. The master on *Surprise*'s first cruise was Clement Cathell, who had sailed as first lieutenant with Joshua Barney on the privateer *Comet*. On his first cruise with *Surprise*, he spent 113 days prowling for prizes in and around the English and Irish Channels and the Western Isles and returned via Newfoundland. By the time he weighed anchor in Newport, Rhode Island, on 12 July, he had been chased sixteen times, captured at least eight prizes, and brought in nineteen prisoners after paroling nearly one hundred.[81] Sacrificing a couple of less valuable vessels to recapture and release, Cathell sent in one of the most valuable prizes of *Surprise*'s career.[82] The letter-of-marque brig *Kutuzoff*, captured off the Western Islands in April, was carrying coffee and cocoa from La Guira to Gibraltar. With nineteen guns to *Surprise*'s ten, she was prepared to fight hard enough to make Cathell think he had caught a brig of war. For half an hour, *Kutuzoff* kept up a ferocious fire, even after her colors had been shot away. Finally, without a flag to signal surrender, Captain W. Turnbull had to wave his hat around until the shooting stopped. Cathell lost his sailing master, George Burdick, in the battle, but Turnbull's casualties were higher—two killed and many more wounded—while his ship was so badly shot up that it took twenty-four hours to make it safe enough to sail as far as Frankfort, Maine. Her cargo, however, was reportedly worth $50,000.[83]

Surprise's second captain was James Barnes, former master of the Baltimore letter-of-marque schooner *Sabine*. Commissioned 16 August 1814, Barnes was even more successful than Cathell, although many of his twenty-one prizes were divested of their cargoes and burned or sunk when not worth sending in. His score for one month, according to Niles's *Weekly Register*, was nine prizes, 37 prisoners

of war in and 160 released, 3,700 tons shipping, and the recapture of his prize, *Caledonia*, from her crew.[84] Despite leaving a trail of burning vessels in his wake, Barnes's personal kindness was publicly recognized by his prisoners, Captains Sexton (*Endeavour*), McFarlane (*Caledonia*), and Reid (*Milnes*): "They speak in the handsomest terms of the politeness and attention they experienced from Captain Barnes and his officers, during the time they were on board the privateer."[85]

After this successful cruise, Barnes moved on to take over the *Venus*, another large letter-of-marque schooner purchased for $18,000 from her French owners in Norfolk in December 1814 by Baltimore merchant John Gooding.[86] Taking Barnes's place on *Surprise* was his former first lieutenant, Samuel Barstow. In November, the *Surprise* sailed for France, arriving at Brest in mid-December and returning to New York by early March 1815, flush with the proceeds from eleven prizes worth $150,000. The most valuable was the *Star*, a 407-ton East India cargo ship from Batavia, captured on 27 January 1815. Her cargo consisted of 417 bags of coffee, 22 bales of nankeens (cottons), 45 tubs of camphor, 28 cases of cinnamon, 90 sheets of copper, 3 bales of trousers, and 5 cases of tortoise shells. The customs duties alone, which Taylor appealed to no avail, were $49,641.83.[87] Auctioned in New York, the prize cargo fetched thousands of dollars. The ship itself, bought by *Surprise* investors Smith and Buchanan for their own use, was subsequently resold to new owners for $28,000.[88]

By the time Barstow returned to New York, the war was all but over. Nonetheless, he took *Surprise* on one more cruise, which turned out to be her last. Caught in a terrible storm in early March, the *Surprise* struck on Barnegate Shoals off Manasquan, New Jersey. The crew, along with some men from the U.S. sloop of war *Erie*, who were hitching a ride back to Baltimore, worked frantically to get her off but failed. Sea and winds were so high that it was almost impossible to send a boat to shore only three cable lengths away. That night, some men were rescued by the *Virginia Ann* from Fredericksburg, but it was too rough to go back for more until the next day. Tragically, between twenty and thirty men were drowned in the wreck of what had been Baltimore's most profitable privateer.[89]

The career of the *Surprise* reveals the cooperative aspects of private armed warfare that enabled officers to progress from lieutenant to master and move from ship to ship within an investor community. One successful cruise inspired the next or provided funds for the purchase of a new privateer. When ports were closed due to the blockade, privateers moved farther afield and brought their prizes back to whatever port they could safely reach. Toward the end of the war, larger vessels like *Surprise* and *Venus* were more likely to be letter-of-marque traders, making their money from cargoes instead of prizes. By the end of 1814, larger

prize vessels could be purchased at prices well below construction costs, with an eye to using their cargo-carrying potential once the sea was again safe for trade.[90]

FOX (PORTSMOUTH, NEW HAMPSHIRE; 36 CAPTURED, 10 PRIZES TO PORT)

Like *America* for Salem and *Yankee* for Rhode Island, *Fox* of Portsmouth set the pace for the sixteen to twenty privateers from her home port. Known as the "million dollar privateer,"[91] in seven cruises under three captains, *Fox* brought in a steady payload for her owners and investors from 1812 to 1815, one of the few privateers that succeeded in earning dividends throughout the war. A Maine-built vessel, *Fox* was purchased in 1812 by Elihu Dearing Brown, a prominent Portsmouth ship designer, shipowner, and seafarer who was also a representative in the New Hampshire legislature at the start of the war.[92] Prosperous but not wealthy enough to risk sole ownership of a privateer, Brown offered shares to several investors from among the town's leading merchants, such as Thomas Manning Shaw and George Long, many of whom owned shares in other Portsmouth privateers.

Only thirty-five years old in 1812, Brown was keen to take the helm as *Fox*'s first captain, with Henry Salter as his first lieutenant. In a letter to investor William Rice, Brown described his new privateer as a "good sea Boat and a very fast sailor." His mid-size, 208-ton schooner never disappointed him.[93] *Fox* sailed on her first cruise on 10 September 1812 with a letter of marque dated two days earlier and a crew of eighty-five, mostly local men, including a surgeon and nine marines in anticipation of action. Brown's first prize created a huge stir when it arrived in Portland. Rumor had it that the barque *Fisher,* sailing from Rio de Janeiro to the Clyde, carried diamonds and jewels among her cargo of cotton, tallow, horn, and hides. Alas, the "diamonds" turned out to be three small boxes of rock crystal, but the prize still generated $48,372.17 in sales.

Fox's second cruise began in December, and she promptly celebrated 1 January 1813 by capturing two vessels heading for Bermuda. Neither was terribly valuable. The Philadelphia brig *Ohio*, with corn and flour, had already been ordered in by HMS *Atalante* and, as a recapture, was only worth one-sixth its value as salvage. Meanwhile, the Halifax schooner, *Hiland Lass,* was in such poor shape that *Fox* simply ransomed her and let her go. Chased by one British warship after another over the next few weeks, *Fox* had several of her crew killed or wounded, including clerk Hugh Clarkson Jr., cut in two by a shot from an English privateer.[94]

On that sobering note, Brown stepped down as *Fox*'s captain to be replaced for the third cruise by another well-known Portsmouth mariner, Samuel Clarke Handy. Master of the privateer *Polly* of Salem on two successful cruises in 1812,

Handy had returned home to Portsmouth that January, had married, and was already headed back to sea in May.[95] Five hours into *Fox*'s first cruise, Handy captured the 140-ton brig *Mars* making for St. John's, Newfoundland, with a hold full of Jamaican rum, hides, and dyewood. After bringing her in and filling out the paperwork, Handy set off the next day to bedevil the English coast for two-and-a-half months. Extracts from his log reveal an eventful summer's cruise involving combat, chases, retreat, and finally capture of at least fourteen vessels, many of which were recaptured, burned, ransomed, and/or released, with all but twenty-three prisoners paroled. Anything valuable in their cargoes, however, such as seven hundred pounds of crude Java camphor taken in June from the recaptured American ship *Hope*, was piled aboard the *Fox* to be auctioned on Portsmouth wharf. Despite her success, *Fox*'s owners advertised her for sale later that August. There may have been no buyers, however, since a new commission issued in November contains most of *Fox*'s original owners' names. A recruiting notice appeared in November seeking forty to fifty crew for *Fox*'s fourth cruise, this time to the West Indies.[96] While 1813 had seen six Portsmouth privateers captured and one broken up, the reliable *Fox* just kept sending in prizes. Over the next seventy-five days, several more prizes sailed home, among them the ship *Minerva*, taken 7 January 1814 en route from Bristol to the West Indies laden with hardware, dry goods, and provisions. This cargo alone earned Fox's twenty-six shareholders the tidy sum of $12,829.44.[97] Niles's *Register* could not help but point out that *Fox* was exactly the sort of vessel they had recommended for annoying the enemy.[98]

For *Fox*'s fifth cruise, two months around Nova Scotia and Newfoundland in May 1814, Elihu Brown was back in command with John Bowles as first lieutenant. By then, the combined tourniquet of convoy and blockade had nearly shut down prizemaking opportunities, yet *Fox* managed to send several valuable prizes into American ports. In April, she took $1,467 in specie off the brig *Fair Stranger* while earning $3,500 at auction for the prize's cargo of fish and oil from St. John, New Brunswick. A month later, the brig *Belize* brought the startling news of Napoleon's abdication, accompanied by an "immensely rich" cargo of dry goods, copper sheathing, hardware, and glassware, along with a box of tomahawks for Britain's Indian allies.[99] So large and valuable was the cargo that it was auctioned off in both Saco, Maine, and Portsmouth. The Saco sale brought in $202,000 and the Portsmouth one $190.000. Civilized as well as successful, Brown received a card of thanks from *Belize*'s master John Grayson, for his "polite and humane treatment."[100] Meanwhile, Winslow estimates that the dozen or so prizes taken on Brown's cruise were worth approximately $600,000 or $1,200 per share.

As well as owning shares in *Fox*, Elihu D. Brown was also part owner of *Har-*

(No. 2.)

Marshal's Sale.

CATALOGUE

OF

PRIZE GOODS,

CAPTURED BY

THE PRIVATE ARMED SCHOONER FOX,

of Ptsmouth

ELIHU D. BROWN, COMMANDER,

do

TO BE SOLD AT PUBLIC AUCTION,

In Saco, Maine,

On WEDNESDAY the 20th of JULY, 1814.

SALE TO COMMENCE AT 9 O'CLOCK.

T. G. THORNTON, Marshal.

S. LARKIN, Auct'r. of Portsmouth

PORTSMOUTH, N. H.

PRINTED BY BECK & FOSTER.

Catalogue of the Sale of Prize Goods from a Ship Captured by the Fox of Portsmouth, NH The cargo of the brig *Belize* captured by the privateer *Fox* of Portsmouth, New Hampshire, was so large and valuable that two sales were held. Samuel Larkin was the auctioneer for both auctions. On 20 July 1814, in Saco, Maine, the 151 lots, mostly cloth but also blankets and ladies' hats, brought the privateer's investors and crew more than $200,000. *Catalogue of Prize Goods, Captured by the Private Armed Schooner Fox* (*Source*: Portsmouth, NH: Beck and Foster, 1814. Library of Congress, E360 .L32.)

lequin, a 233-ton Portsmouth privateer built in 1814. He left *Fox* to take command of the new schooner, commissioned on 16 October. Three days later, Brown's winning streak dissolved in a heavy squall. Mistaking HMS *Bulwark*, a seventy-four-gun, third-rate ship-of-the-line for a plump merchantman, Brown found himself captured and sent to Dartmoor to wait out the rest of the war.

That meant Samuel Handy was back as *Fox*'s master on 25 August 1814. His first lieutenant was Portsmouth native John Winkley, whose wife had run off and left

him nearly penniless the year before. Thanks to the *Fox*, he recouped his marital losses with at least nine prizes, one of which was the Jamaican brig *Kingston Packet*, carrying $7,629.99 worth of fish, oil, and staves and the 300- to 400–ton, strategically important, Royal Navy transport ship, *Stranger*, taken 8 September 1814. Alone, having separated from her convoy in a gale, and handicapped by a number of women and children aboard, the *Stranger* did not put up a fight. Her cargo of guns, ammunition camp gear, blankets, tents, and provisions, intended for the British fleet at Kingston on Lake Ontario, not only filled *Fox*'s coffers but represented a major setback for the British war effort on the Great Lakes.[101]

Fox's next and last cruise saw the now-wealthy Winkley appointed captain of the privateer. It took him two tries to leave port, however, as the ship sustained some damage in a gale and had to return for repairs a few days later. By the time he finally sailed on 19 January 1815, the war was over, but that did not stop Winkley from taking at least three more prizes before returning home in early April.

After three years as Portsmouth's most successful privateer, *Fox* was sold for roughly $3,500, only a fraction of what she had earned for her investors. William Flagg, for example, owned only a half-share in a couple of *Fox*'s later cruises and still earned $236.[102] Elihu D. Brown, who made a great deal of money from his investments, despite his time as a prisoner of war, continued his seafaring career as master of an Argentine privateer in their revolt against Spain. Shipwrecked, captured, and imprisoned once more, he died of consumption in Cadiz in 1819 at age forty-two.[103] Samuel Clarke Handy also continued sailing, dying at sea in 1818 at age thirty-seven.[104] John Winkley remarried and continued sailing out of Portsmouth, dying aboard his ship in Norfolk in 1826. From her first commission, dated 8 September 1812, to her last on 21 January 1815, *Fox* established a reputation as a winning and well-run privateer, described by a friend of Captain Handy's as "one of the most respectable cruisers out of the U.S."[105]

RETALIATION (HALIFAX, NOVA SCOTIA; 22 PRIZES TO PORT)

Embarking on her first cruise in early February 1813, the same day as the *Sir John Sherbrooke*, *Retaliation* became the third member of Enos Collins's privateer consortium.[106] She was a seventy-one-ton topsail schooner with five guns and fifty men, closer in size to the *Liverpool Packet* than the *Sir John Sherbrooke*. Like the *Sherbrooke*, however, *Retaliation* was originally an American privateer, one of nine private armed vessels named *Revenge*. She had sailed out of Salem, capturing at least eight prizes before being taken by HMS *La Paz* on 4 December 1812. Condemned and sold in Halifax the following January, *Revenge* was purchased at auction for £530 by Snow Parker, a member of the provincial parliament and part

owner of two other privateers; Thomas Freeman, former captain of the *Liverpool Packet*; and Enos Collins.[107]

Retaliation's first two-week cruise, much of it in company with the *Liverpool Packet*, was very rewarding. Despite failing health, Captain Freeman still had his winning touch, bringing in four vessels and sharing three with the *Liverpool Packet*, for a return of $30,000 on an investment of $2,600.[108] On her next cruise under twenty-five-year-old Benjamin Ellenwood, *Retaliation* seized eleven prizes but lost two ashore and saw two restored in court, for a net profit of $11,000.[109] For a smaller ship with lower operating costs, an average earning of $1,000 per prize made it worthwhile for Collins to send *Retaliation* back to sea. In December 1813, Harris Harrington took over as master when Ellenwood moved on to command Collins's newest privateer, the *Shannon*.[110]

During 1814, the *Retaliation* and *Liverpool Packet* continued to harass shipping between Cape Cod and Maine. Their illegal plundering of the Swedish-registered schooner *Falun* in January generated a lengthy court case and reveals the potential for violence underlying private armed warfare. According to the statements of various crew members, the *Falun* had twenty-four whole bales and trunks of merchandise "embezzled" and seven trunks broken open and looted. Mate William Cross testified that the privateers asked him to unlock his chest and took his papers, plus three shirts, four cravats, two waistcoats, and a pair of pantaloons and other small articles. They also threatened to beat up the captain if he didn't hand over his watch. Cross saw the privateersmen breaking bulk with a crowbar and stuffing their jackets with great quantities of cloth and rolls of carpets, "so that they appeared almost as big as a hogshead with their coats buttoned round them." When he called this to Captain Harrington's attention, he was told "that if he did not hold his tongue he would put him in irons, calling him a damn rascal & many other opprobrious terms." Supercargo Aseph Chandler testified, "the first thing the captors did was to Rob the cabbin of several articles of cabbin stores, cabbin utensils and clothing—took from him seven fine linnen shirts, eleven white & coloured Neck handkerchiefs, one pair pantaloons and two waistcoats." Such a blatant attack on captives and cargo aboard a neutral ship meant that *Falun* and its remaining cargo were immediately restored by the vice-admiralty court, but the delay in adjudication and the damage to the hatches had already exposed the cargo to considerable damage. It is no wonder that the agents for the Swedish owners (residing in New Haven, Connecticut) were anxious to send the vessel to Halifax. There, the luxury velveteens, scotch muslin, and superfine cloth shirting would fetch higher prices than they could

get in Liverpool, where, it was argued, most of the inhabitants were in some way involved with one or both of the privateers.[111]

Finally, one American had had enough. Capt. Weston Jenkins, commander of the Falmouth militia, had seen his prewar shipping business gradually destroyed by the British. On 21 October 1814, he and thirty-two volunteers set off in a small sloop called the *Two Friends* to find *Retaliation* and retaliate. Pretending to be a harmless vessel from Nantucket, Jenkins hid all but two of his crew below and lured a boat from *Retaliation* alongside. Since the peaceful Quakers of Nantucket were considered as British "friends," *Retaliation* suspected nothing. Suddenly, Jenkins stamped his foot on the deck, and thirty muskets were trained on the privateersmen. *Retaliation*, with five guns and a crew of twelve, was taken without a shot on 29 October and sailed into Falmouth, where her valuable cargo was distributed to delighted local inhabitants. As his ship sailed to Boston for adjudication, *Retaliation*'s captain, William Jones Potter, and his crew were marched there on foot. Without a letter of marque, Jenkins and his men were not legally entitled to prize money, but they persuaded their congressman to petition President James Madison on their behalf and were awarded their prize money in February 1815.[112]

From *Retaliation*, Capt. Benjamin Ellenwood assumed command of the *Shannon*, the former American privateer *Growler*. Already wealthy, Ellenwood sent in more than a dozen prizes with *Shannon* and invested his money in commercial shipping after the war. Sadly, after surviving numerous dangers as a privateer, the twenty-seven-year-old Ellenwood was stabbed to death in February 1815 on Dolby's Wharf in Halifax. James Archibald, a member of his crew, was convicted of murder and hanged.[113]

SIR JOHN SHERBROOKE (HALIFAX, NOVA SCOTIA; 19 PRIZES TO PORT)

At the end of April 1813, a Portland newspaper expressed America's frustration with the U.S. Navy's failure to protect the coasting trade from provincial privateers.

> Not a day passes but that we hear of numerous captures by the British. The Coasting Trade is nearly annihilated. The whole shore from Maine to Georgia is exposed to the inroads of the enemy, whenever and wherever they may be disposed to make the attempt. Our harbors without any thing like adequate defence. Not one of our ships of war has been employed for the protection of the coasts and coasting trade. Had the President ordered a single sloop of war to

> cruise between Cape Cod and Eastport, the numerous captures made by the *Liverpool Packet*, *Sir John Sherbrooke*, *Retaliation*, &c. would have been prevented, property to an immense amount would have been kept from falling into the hands of the enemy.[114]

The three Nova Scotia privateers blamed for the destruction of trade between Eastport and Cape Cod were all owned by a consortium of investors led by Enos Collins and his business partner, Joseph Allison, of Halifax. Capitalizing on the success of the *Liverpool Packet*, Collins and Allison purchased the American privateer *Thorn*, a 278-ton brigantine from Marblehead. Captured by the Royal Navy in October 1812, after less than a month at sea, *Thorn* was carried into Halifax, condemned, and commissioned as *Sir John Sherbrooke*. Armed with eighteen long nine-pounders and a crew of 150, she was Nova Scotia's fourth and largest provincial privateer. Her first letter of marque, dated 10 February 1813, names Col. Joseph Freeman (formerly of the *Liverpool Packet*) as captain. His first lieutenant was John Barss, brother of Joseph Barss Jr. and son of Joseph Barss Sr., one of the ship's investors.

Provisioned for sixty days, the *Sherbrooke* sent in seven prizes in March and five in April. One of her first prizes was a small Cape Ann smack or jebacco boat, which became her tender and co-captor *Rattler*. In April, *Sir John Sherbrooke* returned to Liverpool, accompanied by the schooner *Paulina*. En route from Norfolk to New York with a cargo of coal, flour, and tobacco, *Paulina* was first taken by HMS *Orpheus*, recaptured by the *Governor Plumer* of Portsmouth, New Hampshire, and then re-recaptured by *Sir John Sherbrooke* and escorted in, lest she be taken a fourth time. The next day, the prizemaster from *Orpheus* arrived in Halifax to ensure his ship's claim to a share of the prize.[115] He had been put aboard a British cartel en route to Boston by the *Governor Plumer* but managed to get off at Shelburne. Within a month, *Sir John Sherbrooke* had captured the *Governor Plumer*, paroled twelve of her crew, and sent them home. Privateers usually preferred parole to imprisonment. Keeping track of enemy crews for official prisoner-of war-exchanges was a nuisance, especially when surplus prisoners could outnumber a prize crew and extra mouths cost money to feed. The *Sherbrooke*'s next cruise reflected the diminishing traffic along the east coast, taking only two prizes in May and one in June. In spite of capturing a record number of prizes in her first few months at sea, with cargoes estimated at $50,000,[116] at least half of the *Sherbrooke*'s prizes were less than 100 tons, two were restored by the Court, two were joint captures (one shared with the privateer *Matilda* and the other with HMS *Wasp*), and three were recaptures recouping only one-sixth

of their value. To make enough to pay their motley crew of 150 men, including Portuguese, Swedish, German, and other neutral seamen stranded in Nova Scotia by war, *Sherbrooke*'s owners tried converting the privateer into a letter-of-marque trader to the West Indies and Europe.[117] Sales may have failed to keep up with expenses, since the privateer and her tender were offered for sale that July, but either there were no buyers or trade picked up, because the *Sir John Sherbrooke* was back at sea in October.[118]

While intended to obstruct enemy trade on a broad strategic level, private armed warfare actually hit small, local traders the hardest. In April, the privateer seized the little twenty-five-ton schooner *Carline*, carrying 600 bushels of corn, thirty bushels of beans, and assorted goods from Chincoteague, Virginia, to Manchester, Massachusetts. This capture cost Caleb Knowlton $45 worth of goods, Ebenezer Tappan six barrels of potatoes, and Andrew Masters six bushels of salt worth $37.50. Mrs. Abigail Hooper lost some cider, fish, and a gun, which she had hoped to sell for $24 to purchase corn (if it could be had at 40 cents a bushel), snakeroot, flour, rice, and tobacco. Mrs. Sally Hooper, possibly a sister- or daughter-in-law, was hoping to sell assorted items, including six pair of green morocco leather shoes at one dollar per pair, in exchange for corn. Not only did the shippers lose their investments, but it is likely that court costs ate up any profits the privateer made, rendering the whole process futile. This might have influenced what happened in May, when the privateer stopped the *Union Packet*.[119] Rather than waste time capturing the sloop, according to the *Boston Patriot*, the boarding party ate and drank all the passengers' private stores, shifted the deck load of bark she was carrying, and broke open the hatches to check out the rest of the cargo. Once she was found to be not worth sending in, the *Union Packet* was sent on her way, with minimal loss, cost, and effort on both sides.

Occasionally, a capture yielded unexpected fame instead of fortune. Such was the *Sherbrooke*'s indirect contribution to the famous naval victory of HMS *Shannon* over USS *Chesapeake* in July 1813. It began when the *Governor Plumer* captured the brig *Duck,* carrying Irish laborers from Waterford to Newfoundland. Before the prize was sent in, most of the Irishmen were put on board the privateer. When Captain Freeman took the *Governor Plumer* a few days later, he transferred the Irishmen to his ship and was heading back to Halifax when he encountered HMS *Shannon* en route to confront the American frigate. Whether they were pressed or persuaded, twenty-two Irish laborers suddenly found themselves aboard their fourth ship in as many weeks, about to take part in one of the most famous ship battles of the War of 1812.[120]

A year later, under new owners but still sailing as an armed merchantman, *Sir*

John Sherbrooke was carrying oil and dried fish to Spain when she was captured by the privateer *Syren* out of New York. The sudden arrival of a British squadron drove the prize crew ashore near Rockaway, New York. The men managed to escape with all the ship's valuables, but gunfire from a nearby fort prevented the British from getting close enough to salvage the vessel. Rather than let her fall back into American hands, the navy burned her to the waterline in July 1814. Ironically, not more than a month later, the privateer *Syren* met a similar end when she was chased ashore near Cape May by HMS *Spencer* and *Telegraph* and destroyed by her crew.[121]

GENERAL ARMSTRONG (NEW YORK, NEW YORK; 23 CAPTURED, 2 TO PORT)

Infamy instead of fame or fortune marked the career of New York privateer *General Armstrong*.[122] A respectable prizewinner, the large, 270-ton schooner, outfitted at a cost of $42,000,[123] was successful enough to employ three captains and keep her owners renewing her commission each year, even though, like most privateers, only a fraction of her prizes ever made it to port.[124] Her first ten-week cruise under John Barnard began in October 1812 and ended with three of six prizes sent in. Sadly, her largest prize, *Queen*, carrying a cargo worth a reputed $70–80,000 from Liverpool to Demerara , foundered off Nantucket in a November gale.[125]

On her next cruise, from January to April 1813, Capt. Guy R. Champlin added three more prizes to her account, one with 160 puncheons of rum and the other with $2,500 worth of fish, and a gallant battle to her reputation. In March 1813, the *General Armstrong* met HMS *Coquette* (24 guns), and during the ensuing fight, Champlin received a shoulder wound and was sent below. When he heard his disheartened crew shouting surrender, he is said to have ordered the doctor up on deck to tell the men that if they dared surrender, he would fire into the powder magazine below his cabin and "blow them all to hell." Needless to say, the men fought on, and their ship got away safely.[126] Champlin left the *General Armstrong* in the hands of thirty-year-old Samuel C. Reid and, once recovered, was back at sea as captain of the New York privateer *Warrior* in December 1814.

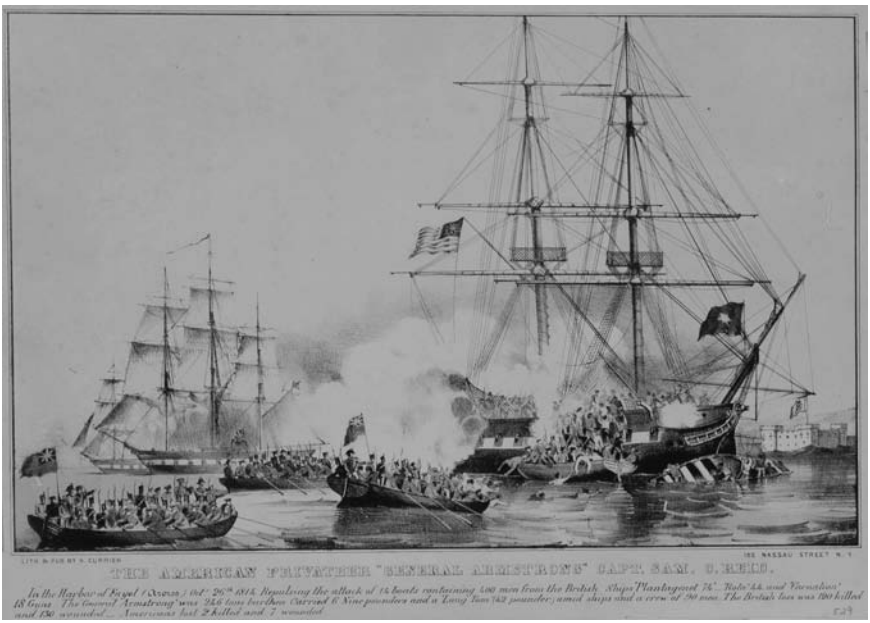
Reid went to sea as a boy, was captured by a French privateer, served as midshipman in the U.S. Navy in 1794, and joined the merchant service in 1803.[127] When the War of 1812 broke out, he was the owner and master of the New York letter of marque *Boxer*, commissioned in December 1813 and without a prize to her credit. Reid's luck turned when he joined the *General Armstrong* in the

summer of 1814, capturing a half-dozen vessels on his first cruise as captain, most of which he burned.

On 9 September, *General Armstrong* left New York on her fifth and final cruise, arriving at Fayal Island in the Azores on 26 September to take on fresh water. While at anchor at sunset, Reid watched three warships, en route to reinforce the British army at New Orleans, enter Fayal Roads. Being in neutral Portuguese territory, the *General Armstrong* should have been safe. Observing HMS *Carnation* (18 guns), *Rota* (38), and *Plantagenet* (74) maneuvering closer to his ship, however, Reid prudently re-anchored his 15-gun schooner directly under the guns of the fort. He prepared for action, and when four boats full of British sailors surrounded him, he warned them off, killing several British sailors in a brisk exchange of gunfire. Knowing the British would be back for revenge, Reid was ready for them. At midnight, twelve to fourteen boats filled with four hundred men (more than three times the number of Reid's 120-man crew) attacked the privateer with small canon, swivels, and blunderbusses. After forty minutes of furious fighting and at least 120 British casualties, the boats pulled away, leaving only two Americans dead and several wounded, including Reid. But the privateer was too badly damaged to sail. At daylight, when the British began bombarding his crippled ship, Reid and his men set the *General Armstrong* on fire and escaped to shore. He then laid a strong complaint against the British and the local Portuguese authorities who failed to protect his neutrality.

Subsequent claims and testimony by the British commander accused the Americans of firing first and decimating his men by using jagged langrage shot. In support of his fellow countrymen, the British assistant consul (who was not even present for the attack), complained to the Portuguese authorities that Reid's destruction of the privateer and its subsequent looting by Portuguese vessels denied them any prize money to compensate for the many valuable prizes taken by the "detestable privateer!"[128] When the navy tried to salvage some of the *General Armstrong*'s cannon, the Portuguese government ordered the governor of Fayal to take possession of every fragment of the wreck, using force if necessary. Such treatment was hardly fair, Commander Robert Lloyd whined, given the amount of money Britain had spent helping Portugal gain independence, not to mention the 140 British lives sacrificed in the attack on the *General Armstrong*.

Aside from creating a diplomatic incident and instigating a legal battle that lasted for years, the destruction of the *General Armstrong* at Fayal has been credited with a key role in Gen. Andrew Jackson's victory at New Orleans, although neither Reid nor Jackson were aware of it at the time. Captain Lloyd's loss of



The American Privateer General Armstrong, *Captain Samuel C. Reid, 26 October 1814* This lithograph by Nathaniel Currier depicts the New York privateer *General Armstrong* (7 guns) under attack by 14 boats full of men from the British ships HMS *Plantagenet* (74 guns), *Rota* (44) and *Carnation* (18) in the supposedly neutral Portuguese harbor of Fayal in the Azores. Before sinking his ship, Captain Reid's crew killed 120 British sailors and wounded as many more, only losing a few of their own. (*Source*: Courtesy of U.S. Naval Academy Museum.)

nearly two hundred fighting men was bad enough, but the need to bury their dead and tend to their wounded detained the three British naval vessels in the Azores for ten days. This delayed their arrival to reinforce Admiral Alexander Cochrane's forces at New Orleans and may have given American forces time to assemble and defeat the British attack.[129] Whether Reid made Jackson's victory possible or not, his defense of the *General Armstrong* made him a national hero and earned him swords, awards, and recognition throughout the rest of his life. On 7 April 1815, Reid received the official thanks of a grateful New York state legislature. After the war, he enjoyed a life-long appointment as a sailing master in the U.S. Navy, as well as posts as port warden at New York and a weigher of customs. He is also credited with redesigning the American flag (the design is still used—thirteen stripes with stars representing every state) and persuading the House of Representatives, in March 1818, to vote for a bill authorizing $10,000 in prize money for Samuel

Reid to distribute among his officers and men, many of whom were in desperate financial circumstances by then due to America's weak postwar economy.[130]

Meanwhile, on the diplomatic front, American consul John Dabney called the attack in Fayal "the most outrageous violation of the neutrality of the port."[131] His report to the U.S. secretary of state was widely published and cleared Captain Reid of all accusations, including a claim that his ship carried two British deserters, who could not be identified even after the British commander reviewed the entire crew. Diplomatic letters of protest went back and forth between the United States and Portugal for years, with Portugal first acknowledging liability and then refusing to either compensate or apologize for failing to protect the privateer. Finally, against the wishes of both parties, the United States turned the decision over to Louis Napoleon of France, who denied the American claims. The case of the *General Armstrong* was finally over—twenty years after the War of 1812.

In 1855, the *New York Times* revealed a "remarkable discovery" about the case, indicating that Consul Dabney had written to the secretary of state saying that he had been an eyewitness to the events and could prove that the French emperor had made a mistake and that the Americans did not violate the neutrality of the port.[132] The letter was eventually located in departmental files, and it was proved that, had the letter been produced earlier, Congress would not have turned down requests to review the decision. Reid died in New York in 1861 and was buried in the navy yard in Brooklyn, but his valor was remembered long afterward. Well after privateers and the War of 1812 had slipped from popular memory, the *General Armstrong*'s Long Tom gun proved a popular exhibit at the 1898 Chicago World's Fair.[133]

Forgotten or not, more than six hundred American and forty Atlantic Canadian vessels carried letters of marque during the War of 1812, yet only a few achieved the kind of success enjoyed by these eleven privateers. A comparison of their careers reveals no one thing that sets them apart from their fellows. Some were schooners, some brigs. The *Liverpool Packet* was less than one hundred tons; *Comet*, *Saucy Jack*, and *Yankee* were under two hundred; and *America* and *Surprise* were over three hundred. *Surprise* and *Comet* were both from Baltimore, but the rest were from various ports. They cruised from three to eleven times under one to four different captains apiece, with varying degrees of success. They chased their quarry along the coast of North America, in the English and Irish Seas, off Spain, Africa, and South America, and throughout the Caribbean and captured hundreds of prizes worth millions of dollars. Clearly, successful privateering was a complex business, not reducible to a simple formula.

Not unexpectedly, most of those who dared the odds were young men in their

TABLE 5.1
The Prize Winners in Brief

Privateer	Home port	Prizes taken	Prizes sent in	Type	Tons	Guns	Men	Cruises (capts.)	Prize money
Liverpool Packet	Liverpool, NS	50–100	50	schooner	67	5	40	11 (4)	$1–4 million
Yankee	Bristol, RI	58	20	brig	158	16–18	100–115	6 (5)	$1–2 million
America	Salem, MA	45	18	schooner	331	16–22	140–170	5 (3)	$1.1 million
Saucy Jack	Charleston, SC	44	17	schooner	164	7–9	130–150	7 (3)	@$50,000
True Blooded Yankee	Nantes, France	46	16	brig	?	20	150–190	3 (2)	?
Surprise	Baltimore, MD	42	11	schooner	302	10–14	130	3 (3)	$1–250, 000
Comet	Baltimore, MD	57	11	schooner	187	10–12	100–120	3 (1)	$2–300,000
Fox	Portsmouth, NH	37	10	schooner	208	12–13	80–96	7 (3)	$6–700,000
General Armstrong	New York, NY	18	2	schooner	270	15–19	115–150	5 (3)	$100,000

twenties or thirties but with many years of seafaring experience. They were able to convince investors to risk their money and ordinary sailors, many as young or younger than they, to risk their lives to capture enemy shipping without any guarantee of a prize or even survival. Some captured nothing and quit empty-handed; others became prizes themselves. Those who succeeded often had to fight wind, weather, or broadsides for their prizes, only to lose them to enemy recapture or natural hazards. Supported by a legal system dating back to the Middle Ages and reinforced by centuries of practice, maritime communities in Atlantic Canada and the United States took advantage of the opportunities available to fight the war the only way they could. The most successful privateers seemed to combine strong, daring leadership with discipline, well-designed ships, and good luck. In a personal letter to Captain Reid commending his actions, Governor Isaac Shelby of Kentucky praised the efforts of privateers in general, seeing among them many "instances of talent, skill, discipline and of a determined unconquerable bravery."[134] As indefinable as much of the rest of privateering, the success of the *Liverpool Packet*, *Retaliation*, *Sir John Sherbrooke*, *Yankee*, *America*, *Saucy Jack*, *True Blooded Yankee*, *Surprise*, *Comet*, *Fox*, and *General Armstrong* illustrates the enduring contribution of privateers to the maritime war against trade.

The Final Tally

Our cannon loud are roaring
'Tis not the roar of WAR,
But joyful peals proclaiming
Sweet PEACE' returning star.

—*IMPROMPTU*, *Anonymous*

Legal, respectable, patriotic, popular, and more or less profitable, privateering was a key feature of the maritime struggle between Great Britain and America throughout the War of 1812. Among the thousands who participated as shipowners, investors, officers, sailors, agents, auctioneers, and court personnel, all had a vested interest in the success of private armed warfare within their communities and their countries. With so many people so closely involved in the process, it is amazing that so little is known about the scale and the scope of privateering. Excellent local studies by Jerome Garitee (Baltimore, 1977), Richard E. Winslow III (Portsmouth, 1988), and Michael Rutstein (Salem, 2012), along with my own work on Atlantic Canada (1997), have opened a window on the little-known business of privateering and demonstrated the economic, social, and strategic effect private armed warfare could have on individual communities. The dearth of extant documentation, compounded by the widespread dispersal of what remains, means that a fuller national perspective for either British North America or the United States at the time may not be possible.

Unpopular in Britain and her colonies, as well as in parts of the United States, and often poorly understood since, the War of 1812 left a perplexing legacy of inconclusive land battles and surprising naval upsets that, in the end, resolved none of the issues for which America went to war. Determined to maintain their prewar relationships with their neighbors and trading partners, the seafaring communities of Atlantic Canada and New England sought ways to keep their economies

moving, both inside and outside the law. Wealthy investors in Halifax, Baltimore, New York, Boston, and Salem encouraged privateering as long as they could and then switched to letter-of-marque trading. Smaller ports may have turned to smuggling. Whichever route they chose, their contribution to the War of 1812 should not be forgotten.

After two hundred years and probably twice that number of books on the maritime War of 1812, it is time to retire the romantic notion of swashbuckling privateers swarming the seas like somewhat up-market pirates. In fact, privateering was a vital, if temporary, way for merchants, investors, shipowners, and seafarers to serve themselves and their countries at the same time. After six centuries, the practice had been formalized and transformed into a legitimate activity that was thoroughly understood by the participants, the courts, and the communities that supported or were supported by it. Predicated upon the willingness of individuals to invest their money, their property, and their lives in the pursuit of enemy shipping, privateering was encouraged by governments as a low-cost addition to naval defenses or, more often, as a replacement for a national navy. In return, governments encouraged the practice through incentives like head money (raised from $25 to $100 by the end of the war), gradually reduced duties, and provisions for dead and injured sailors and their families, albeit governments did not offer these without political pressure.

Both America and Britain embarked on war without a solid financial base and faced cumulative debts beyond the actual expenditures involved in prosecuting a war. In two-and-a-half years of fighting, the United States accumulated a war debt of $105 million. Britain's national debt, swollen by ten years of war in Europe prior to the War of 1812, rose from £451.7 million in 1800 to £840.5 million in 1814. By any standard economic indicator, such as import and export trade figures, currency stability, food prices, wages, rents, insurance rates, transportation costs, or customs fees, the war played havoc with the economies of both nations.

Disappointed when their expectations of a brief war were dashed, both sides came to rely increasingly on their private armed vessels. Without a way of assessing the full economic effect of the war, it is difficult to determine how privateering contributed to it. Certainly, privateers cost their governments far less than traditional naval defense, especially since privateers were able to furnish many of their needs at the expense of the enemy.[1] And, unlike naval vessels that had to be maintained or laid up after a war, once privateers weren't needed, they and their crews were simply reabsorbed into the merchant service. They generated wealth for themselves and their communities at no cost to anyone but themselves or their victims. Nor should one underestimate the nuisance value of embarrassing and

annoying captures by successful captains like Barss and Boyle. Their antics contributed to national morale at home and prompted a desire to end the war among their enemies. Most privateers, as Coggeshall asserted, behaved with integrity and honor, using whatever means of deception they had on hand to get close to a prize but never exchanging fire under anything but their own flag. Unfortunately, the few who took the lesson of "prey equals pay" too literally may have accelerated their own demise. "Plundering of passengers on prizes, fights among ship mates, and many violations of the rules for the conduct of privateers forced on the masters by their crews' greed for prize money were some of the reasons which led to the abolition of this form of warfare."[2]

If privateers didn't cost the government anything, how much did they contribute? In addition to providing employment in virtually all the maritime trades, privateering offered investment opportunities and funneled money into local communities through payment of duties, court costs, and auction fees. Privateering also brought in goods, both staples and luxuries, as well as specie, to markets that otherwise had no access to them. If the average value of a prize after costs was $25,000, as Forrester suggested, the more than two hundred prizes brought in by New Brunswick and Nova Scotia privateers pumped over half a million dollars directly into their colonial economy. Meanwhile, based on the 2 percent figure claimed by the Seaman's Hospital Fund, American privateers added $10.6 million to their coffers.[3]

Jerome Garitee calculates that throughout the war Britain lost an average of thirty-three vessels per month. All together these were worth $40 million, three times the value of American losses. Figures for the number of British ships captured vary. Using Niles's numbers, Coggeshall estimated that Britain lost 1,800 to 2,000 vessels, including merchantmen and men of war, two-thirds of them to privateers.[4] My own research indicates at least 1,900 prizes taken by privateers alone, although less than one-third probably made it as far as an admiralty court.

Those who made money from privateering spent it, ensuring that profits circulated during and after the war. Although many men died and many more were injured, whether at sea or as prisoners, most took advantage of privateering activities as a means of supporting their families, and some even prospered. Ships sent in as prizes replaced vessels lost to the enemy and supplemented merchant fleets at war's end. Nevertheless, war weariness grew as Britain's blockade and convoy strategy throttled American trade, depriving privateers of prey, and citizens of the necessities of life. The careers of the most successful and best-known privateers in the War of 1812, however, did not protect them after the war. The *True Blooded Yankee* disappeared from the record; the *Yankee* returned to Beaufort, North Car-

olina, and anonymity. *America* was abandoned by her owners and the *General Armstrong* blown up and burned. The *Liverpool Packet* and *Saucy Jack* resumed service with their respective owners, while *Surprise* was sold for $28,000, *Fox* for $3,500, and *Comet* to New York buyers for an unspecified amount.

By the time the War of 1812 ground to a halt, it had begun to resemble what a contemporary British bureaucrat described as two men holding their heads in a bucket of water to see who would drown first.[5] Out of the War of 1812 came heroes and villains, millionaires and paupers, politicians, preachers, and several American presidents. There were, however, no clear victors. The Treaty of Ghent resolved none of the issues for which America went to war. It did, however, allow Atlantic Canada and the United States to get back to the business of peaceful trade.

The War of 1812 represented the high point of privateer activity. Without the efforts of colonial privateers, the coastal trade of New Brunswick and Nova Scotia would have suffered even more from the numerous American privateers, which seemed to evade the few Royal Navy vessels available to protect British shores. With such a small navy, the United States would likely have been unable to hold out against the Royal Navy had privateers not kept the war at sea alive. Privateers and letter-of-marque traders had an enormous influence on the economic and military efforts of their respective nations. They faced dangers, fought battles, and advanced the prosperity of their communities along with their own. Without them, the maritime history of the War of 1812 would have been very different and considerably shorter. Their wins inspired their compatriots, infuriated their enemies, and fostered the kind of pride and sense of independence that Free Trade and Sailors' Rights was all about. For this and much more, privateers deserve to be remembered.

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Appendix. Prize Makers and Prizes

U.S. Private Armed Vessels

	Vessels	Prizes	To port
Total	(246)	(1,941)	(762)
		CONNECTICUT (12 vessels)	
Middletown	(1)	(1)	(0)
Blockade		1	0
Newbern	(1)	(5)	(3)
Hero		5	3
New London	(8)	(23)	(17)
Argo		1	1
Experiment		1	1
Joel Barlow		2	2
Lively		1	1
Mars		11	5
Retaliation		1	1
True Blooded Yankee		3	3
Yankee		3	3
Stonington	(2)	(2)	(1)
Hero		1	1
Lewis		1	0
		GEORGIA (4 vessels)	
Savannah	(4)	(8) 5j	(5)
Atas		1	1
Eagle		6 (5j)	2
Lady Madison		(5j)	1
Rapid		1	1
		LOUISIANA (3 vessels)	
New Orleans	(3)	(6)	(1)
Caroline		2	0
Spy		1	1
Two Brothers		3	0

		MAINE (17 vessels)	
Bangor	(1)	(1)	(1)
Victory		1	1
Bristol	(1)	(1)	(1)
Increase		1	1
Eastport	(1)	(1)	(1)
Lizard		1	1
Frenchman's Bay	(1)	(1)	(0)
Lark		1	0
Kennebunkport	(1)	(2)	(0)
Gleaner Packet		2	0
Northport	(2)	(4)	(4)
Nonsuch		1	1
Revenge		3	3
Portland	(9)	(33) 2j	(18)
Champlain		2	1
Dart		6	2
Dash		11	5
Favorite		1	1
Fly		2j	2
Hyder Ally		2	0
Leo		4	3
Rapid		3	2
Washington		2	2
Thomastown	(1)	(1)	(1)
Fame		1	1

		MARYLAND (52 vessels)	
Baltimore	(52)	(583) 8j	(186)
Amelia		18	6
America		2	0
Argo		1	0
Baltimore		1	1
Bona		1	0
Brutus		11	4
Caroline		33 (3j)	10
Chasseur		37	12
Comet		57	11
Cora		1j	0
Decatur		1	1
Delille		2	1
Diamond		1	0
Dolphin		13	7

Expedition	12	5
Fairy	2	1
Fox	2	1
Globe	18 (1j)	9
Grampus	9 (1j)	2
Harrison	13	3
Hazard	2	1
High Flyer	9	7
Hollins	3	1
Joseph & Mary	1	0
Kemp	16	6
Lawrence	31	10
Liberty	7	4
Mammoth	22	1
Midas	17	5
Ned	1	1
Nonsuch	7	5
Patapsco	6 (3j)	5
Perry	27	3
Pike	12	1
Pilot	3	1
Price	1	0
Resolution	1	1
Revenge	16	6
Rolla	12	4
Rossie	18	7
Sabine	11	3
Sarah Ann	1	1
Saranac	2	0
Siro	1	0
Surprise	42	11
Tigress	3	1
Tom	4	2
Ultor	26	10
Venus	5	4
Wasp	9	5
Whig	22	1
York	10	5

		MASSACHUSETTS (66 vessels)	
Boston/Charlestown	**(25)**	**(125)**	**(41)**
Abaellano		13	4
Argus		4	2
Avon		2	1
Blakely		5	1
Bunker Hill		1	1
Catherine		1	0

Charles Stewart		1	1
Commodore Macdonough		7	7
David Porter		18 (3j)	3
Dromo		2	1
George Little		1	1
Gossamer		1	1
Hunter		3	1
Ida		3	1
Ino		2	1
Jacob Jones		2	0
Leo (ex-Baltimore)		18	1
Lyon		1	1
Rambler		5	1
Rattlesnake (ex-Philadelphia)		18	3
Reindeer		6	1
Sine Qua Non		1	1
Tuckahoe		2	0
Volant		1 (1j)	1
Wily Reynard		7	6
Gloucester	**(5)**	**(18) (1j)**	**(13)**
Madison		4	4
Orlando		5	4
Orlando (ii)		2	1
Swordfish		1	0
Thrasher		6 (1j)	4
Marblehead	**(4)**	**(30) (2j)**	**(16)**
Lion		16 (1j)	4
Snowbird		5 (1j)	5
Industry		6	5
Thorn		3	2
Newburyport	**(1)**	**(16)**	**(12)**
Decatur		16	12
Salem	**(31)**	**(304) (4j)**	**(131)**
Alexander		7	1
Alfred		5	4
America		45	19
Buckskin		6	3
Cadet		3	1
Castigator		3	1
Dart		3	1
Diomede		17	6
Dolphin		18	9
Fair Trader		4	4
Fame		24	18

Frolic		25	2
Gallinipper		1	0
General Putnam		3	2
Grand Turk		38 (4j)	6
Growler		5	2
Holkar (with Swiftsure)		3j	3
Jefferson		8	6
John		15	8
Leach		2	0
Montgomery		15	7
Polly		19	6
Regulator		5	3
Revenge		8	3
Scorpion		2	1
Starks (aka Timothy Pickering)		6	4
Surprize		1	1
Swiftsure		4 (3j)	4
Terrible		4	4
Viper		3	2
Wasp		2	1
		NEW HAMPSHIRE (9 vessels)	
Portsmouth	**(9)**	**(89) 1j**	**(28)**
Fox		36	10
Governor Plumer		4	1
Macedonian		18	3
Nancy		1	1
Portsmouth		13	2
Ranger		2	0
Squando		2	2
Thomas		7	5
Thrasher		6 (1j)	4
		NEW YORK (44 vessels)	
New York City	**(44)**	**(401) (12j)**	**(149)**
Anaconda		4	3
Benjamin Franklin		9	7
Black Joke		2	1
Bunker Hill		5	4
Divided We Fall		9	1
(Young) Eagle		2	2
Elbridge Gerry		1	0
(Jack's) Favourite		9	2
Flirt		1	0
Galloway		1	1
General Armstrong		23	2
General Pike		1	1

Governor Tompkins		21	5
Harpy		16	3
Henry Gilder		1	1
Herald		8	7
Holkar		7	3
Invincible		12	5
James Monroe		7	1
Jonquille		5 (1j)	2
Macdonough		1	0
Marengo		8	6
Mars		4	3
Morgiana		6	2
Orders in Council		6	1
Patriot		9	0
Paul Jones		17	4
Prince of Neufchatel		37	10
Retaliation		2	2
Rosamond		3	3
Rover		1	0
Saratoga		32	17
Scourge		36 (7j)	14
Snap Dragon		23	5
Spark		4	1
Spy		1	0
Syren		13 (4j)	1
Teazer		16	10
Tickler		1	1
United We Stand		3	1
Viper		4	2
Warrior		7	2
Yorktown		11	6
Young Teazer		12	7
		NORTH CAROLINA (3 vessels)	
Beaufort	**(1)**	**(23)**	**(5)**
Snap Dragon		23	5
Washington	**(1)**	**(2)**	**(1)**
Hawk		2	1
Wilmington	**(1)**	**(1)**	**(0)**
Lovely Lass		1	0
		PENNSYLVANIA (12 vessels)	
Philadelphia	**(12)**	**(77) (7j)**	**(39)**
Atlas		3	2
Bellona		2	0
Diligent		1	1

Ellen		1	0
Governor McKean		3	3
Hazard		1	1
Hope		1	1
Matilda		7	5
Rattlesnake (with Scourge)		28 (7j)	15
Revenge		6	1
Spencer		1	1
Young Wasp		23	9
		RHODE ISLAND (10 vessels)	
Bristol	**(5)**	**(66)**	**(22)**
Blockade		5	0
Macdonough		1	0
Rambler		2	1
Water Witch		1	1
Yankee		57	20
Newport	**(3)**	**(6)**	**(3)**
Cleopatra		4	1
Sine Qua Non		1	1
Swift		1	1
Providence	**(2)**	**(7)**	**(2)**
Leader		2	2
Sparrow		5	0
		SOUTH CAROLINA (9 vessels)	
Charleston	**(9)**	**(96)**	**(32)**
Decatur		5	4
Defiance		6	2
General Armstrong		3	0
Lovely Cordelia		24	1
Mary Ann		5	3
Nonpareil		1	1
Poor Sailor		1	1
Rapid		6	2
Saucy Jack		45	18
		VIRGINIA (5 vessels)	
Norfolk	**(5)**	**(14)**	**(9)**
Comet		1	1
Dash		1	0
Mars		1	1
Revenge		1	1
Roger		10	6

		FRANCE (3 vessels)	
Brest	(3)	(47)	(17)
Bunker's Hill		1	0
Leo		4	0
True Blooded Yankee		42	17

Provincial Privateer Vessels

	Vessels	Prizes	To port
Total	(23)		(216)
		NOVA SCOTIA (19 vessels)	
Annapolis Royal	(2)		(20)
Broke			6
Matilda			14
Halifax	(5)		(19)
Crown			1
Fly			7
George			1
Retrieve			6
Weazle			4
Liverpool	(11)		(149)
Dolphin			1
Dove			2
Lively			10
Liverpool Packet			50
Minerva			1
Retaliation			14
Rolla			6
Rover			18
Shannon			16
Sir John Sherbrooke (joint with RN)			19 (1j)
Wolverine			12
Lunenburg	(1)		(7)
Lunenburg			7
		NEW BRUNSWICK (4 vessels)	
Saint John	(4)		(21)
Dart			12
General Smyth			4
Hare			2
Star			3

Note: Nova Scotia and New Brunswick prize numbers reflect vice-admiralty court prize cases and do not include prizes that were released, ransomed, recaptured, lost, or otherwise did not appear in court files.

A *j* next to a number indicates a joint capture with another vessel where any profits were shared.

Notes

ABBREVIATIONS

AC&DA	*American Commercial & Daily Advertiser*, Baltimore, Maryland
CO	Colonial Office, London
HG	*Halifax Gazette*, Halifax, Nova Scotia
LAC	Library and Archives Canada, Ottawa
LL	*Lloyd's List*, London
MDHS	Maryland Historical Society, Baltimore
NARA	U.S. National Archives and Records Administration, Washington, DC (unless city otherwise noted)
NBRG	*New Brunswick Royal Gazette*, Saint John
NG&PL	*Norfolk Gazette and Publick Ledger*, Norfolk, Virginia
NR	Niles's *Weekly Register* (Hezekiah Niles, editor), Baltimore, Maryland
NSA	Nova Scotia Archives (formerly Public Archives of Nova Scotia), Halifax
NSG&PL	*Nova Scotia Gazette and Public Ledger*, Halifax
NSRG	*Nova Scotia Royal Gazette*, Halifax
RG	Record Group
RG&NBA	*Royal Gazette & New Brunswick Advertiser*, Saint John
TNA	The National Archives, London
USDCGA	U.S. District Court, Atlanta, Georgia
USDCPA	U.S. District Court, Philadelphia, Pennsylvania

INTRODUCTION: "A Ruinous and Unnecessary War"

1. The title of this chapter is from the *Boston Repertory*, 11 Aug. 1812. Commenting on a Fourth of July toast to the war given by Gen. John Cooper, sheriff of the County of Washington and a member of the Committee of Safety for Machias, Maine, the author stated, "A ruinous and unnecessary war has satisfied General Cooper, and thousands like him, that Mr. Madison has sacrificed the prosperity of the country, and is no longer entitled to their support." Similar sentiments appeared in the *Salem Gazette*, 19 June 1812, quoted in William Dinsmore Chapple, "Salem and the War of 1812," *Historical Collections of the Essex Institute* 59, no. 4 (Oct. 1923): 300.

2. *Boston Gazette*, 27 July 1812.

3. Chapple, "Salem and the War of 1812," 289.

4. In 1807, HMS *Leopard* attacked and boarded the American frigate USS *Chesapeake* in search of British "deserters." Since Britain did not recognize naturalized Americans, they considered any English-born seaman serving on an American ship to be a deserter. The "Chesapeake Incident" nearly brought England and America to war in 1807. War was averted then, but the rancor festered for another five years, making impressment one of the causes of the War of 1812.

5. Letter to William Duane, an American journalist, from Monticello, 4 Aug. 1812, in J. Jefferson Looney, ed., *The Papers of Thomas Jefferson: Retirement Series, Volume 5. 1 May 1812 to 10 March 1813* (Princeton, NJ: Princeton University Press, 2008), 293, 294, reprinted in *War of 1812 Magazine*, no. 13 (June 2010), online at www.napoleon-series.org/military/Warof1812/2010.

6. See Francis H. Upton, LL.B., *The Law of Nations affecting Commerce During War: With a Review of the Jurisdiction, Practice and Proceedings of Prize Courts* (1861; reprint, Littleton, CO: Fred B. Rothman, 1988).

Although Canada did not become a nation until 1867, for convenience, I refer to the provinces of Nova Scotia and New Brunswick as Atlantic Canada. Similarly, Maine was still part of the state of Massachusetts during the War of 1812 period, but I treat it as a separate entity here to distinguish the activities of privateers from the area.

7. The court records are found in Vice-Admiralty Court, Halifax, 1784–1818, Prize Court Records, RG 8, IV, vols. 73–150, LAC.

8. List of Privateers by State, plus larger alphabetical list of privateers plus names of officers beginning with that letter, RG 45, E575, vols. 1–6, NARA.

9. *Boston Repertory*, 7 July 1812. The paper carried a story from Augusta, Maine, that local inhabitants, hearing the news of war, immediately lowered their flag to half-mast. That evening, a contingent of American soldiers stationed there razed the flagpole to the ground. The next morning, the townspeople reset the flag at half-staff and stayed to defend it against the soldiers, who were forced to back down when civil authorities intervened. The flag was left for two days "as a proper expression of the feelings of the inhabitants."

10. Stanley Bonnet, *The Price of Admiralty* (London: Robert Hale, Ltd., 1968), 22.

11. See William S. Dudley, ed., *The Naval War of 1812: A Documentary History*, vol. 1 (Washington, DC: Naval Historical Center, 1985), 649. Sir John Borlase Warren to Secretary of the Admiralty John W. Croker, 29 Dec. 1812, TNA, London, ADM1/503, pt. 1; Reuben Elmore Stivers, *Privateers and Volunteers: The Men and Women of Our Reserve Naval Forces, 1766 to 1866* (Annapolis, MD: Naval Institute Press, 1975), 76; John A. McManemin, *Captains of the Privateers of the War of 1812* (Spring Lake, NJ: Ho-Ho-Kus Pub. Co., 1994), iv; RG 45, E 575, v. 1–6, NARA.

CHAPTER 1: *In Flagrante Bello*

1. Andrew Lambert, *The Challenge: America, Britain and the War of 1812* (Harmondsworth, UK: Faber and Faber, 2012), 396.

2. William Dinsmore Chapple, "Salem and the War of 1812," *Historical Collections of the Essex Institute* 59, no. 4 (Oct. 1923), 294.

3. Richard E. Winslow III, *"Wealth and Honour": Portsmouth During the Golden Age of Privateering, 1775–1815* (Portsmouth, NH: Portsmouth Marine Society, 1988), 240.

4. Reuben Elmore Stivers, *Privateers and Volunteers: The Men and Women of Our*

Reserve Naval Forces, 1766 to 1866 (Annapolis, MD: Naval Institute Press, 1975). Stivers discusses the differences between the U.S. Navy and privateers at some length. John Leefe, *The Atlantic Privateers: Their Story, 1749–1815* (Halifax, NS: Pentheric Press, 1978), 5, calls them a "seaboard militia."

5. James Brown Scott, *Prize Cases Decided in the United States Supreme Court, 1789–1918, Including also cases on the instance side in which questions of Prize Law were involved*, 3 vols. (Oxford: Clarendon Press, 1923), 857.

6. Andrew Lambert, "Sideshow? British Grand Strategy and the War of 1812" in Tim Voelker, ed., *Broke of the Shannon and the War of 1812* (Barnsley, UK: Seaforth, 2013), 20.

7. *NSRG*, 1 July 1812 and 3 July 1812, 1.

8. *NBRG*, 27 June 1812, 1.

9. Results published in the *NG&PL*, 24 June 1812, 2.

10. Spencer Tucker, ed., *The Encyclopedia of the War of 1812: A Political, Social, and Military History* (Santa Barbara, CA: ABC CLIO eBook Collection, 2012), 410.

11. The *Salem Gazette* of 19 June 1812 is quoted in Chapple, "Salem and the War of 1812," 289. Reference to the Philadelphia meeting in *NG&PL*, 20 July 1812, 2, and Plymouth riot, 24 Aug. 1812, 2. The *Federal Republican* editorial of 18 June 1812 is cited in William Matthew Marine, *The British Invasion of Maryland, 1812–1815* (Baltimore, MD: Society of the War of 1812 in Maryland, 1913). The *New York Commercial Advertiser* was published 20 June 1812.

12. Sarah McCulloch Lemmon, *Frustrated Patriots: North Carolina and the War of 1812* (Chapel Hill: University of North Carolina Press, 1973), 7. *Raleigh Minerva*, 31 Jan 1812.

13. The *NG&PL* reprinted the Montreal story, 15 July 1812, 2.

14. *HG*, 15 July 1812, 2.

15. James Monroe, Secretary of State, to the customs collector at Marblehead, 21 Jan. 1814, U.S. Navy Dept. Library.

16. George Coggeshall, *A History of the American Privateers* (1861; reprint, London: Leonaur, 2009), xlviii.

17. George A. Nelson, "The First Cruise of the Privateer Harpy," *American Neptune* 1, no. 2 (Apr. 1941): 116–22. He quotes from personal correspondence with John Phillips Cranwell.

18. James H. Ellis, *A Ruinous and Unhappy War: New England and the War of 1812* (New York, NY: Algora, 2009), 89.

19. *AC&DA*, 6 Jan. 1815.

20. John K. Mahon, *The War of 1812* (Gainesville: University of Florida Press, 1972), 249. See also Capt. Robert Barrie, RN, to Mrs. George Clayton, 4 Sept. 1813, in William S. Dudley and Michael J. Crawford, eds., *Naval War of 1812: A Documentary History*, vol. 2 (Washington, DC: Naval Historical Center, 1992), 38.

21. *RG&NBA*, 7 Sept. 1812, 3.

22. Andrew J. Wahll, ed., *Sea Raptors: Logs of the Private Armed Vessels* Comet *and* Chasseur *Commanded by Tom Boyle* (Westminster, MD: Heritage, 2008), 24. *Comet* (187 tons, 10 guns, 100 men), *Wasp* (55 t., 1 g., 50 m.), *Revenge* (285 t., 8 g., 112 m.), *Patapsco* (259 t., 6 g., 35 m.).

23. Margaret Els, *A Calendar of Official Correspondence and Legislative Papers: Nova Scotia, 1802–15* (Halifax, NS: Public Archives of Nova Scotia, 1936), 151, 162. On

19 July 1813, Sherbrooke wrote to Lord Bathurst (letter no. 105) that the packets *Duke of Montrose* and *Manchester* had been captured by Americans and the May and June mails destroyed. On 21 October, Sherbrooke was advised that the board of trade had ordered mail packets to proceed directly to Halifax during winter and that he should arrange to have mails from Halifax to Bermuda sent via warships.

24. Jones to Evans, 6 May 1813, quoted in H. E. Pullen, *The Shannon and the Chesapeake* (Toronto, ON: McClelland and Stewart Limited, 1970), 43. James Lawrence was appointed to the *Chesapeake* a few weeks later.

25. *Salem Mercury*, 14 July 1812. Also *NR* 3, no. 53 (5 Sept. 1812), 10; *NG&PL*, 20 July 1812; *LL*, no. 4701, 11 Sept. 1812; *LL*, no. 4702 (15 Sept. 1812). One of only a handful of examples of British uniforms for enlisted men, a coat is on display at the Peabody Museum in Salem with a quote from a letter by Commissar General Callendar Irvine telling James Monroe how pleased he was to be able to obtain the coats since there was no scarlet cloth to be found and all he had to do was change the uniform buttons. Information courtesy of René Chartrand.

26. Sherbrooke to Bathurst, Feb. 23, 1813, CO, 217/91.

27. *Transport No. 50* (*NR* 3, no. 53 [5 Sept. 1812]: 10; *LL*, no. 4701 [11 Sept. 1812]); *Lord Keith* (*NR* 4, no. 81 [20 Mar. 1813]: 53; *LL*, no. 4742 [2 Feb. 1813]); *Canada* (*NR* 4, no. 82 [27 Mar. 1813]: 53; William Dobson et al. (*Paul Jones*) v. Fire arms from *Seaton* and *Canada* (1813), NARA U.S. District Court New York, case 99; *LL*, no. 4745 [22 Feb. 1813]); *Stranger* (*NR* 7, no 164 [29 Oct. 1814]: 120; *LL*, no. 4926 [21 Oct. 1814]); *Transport No. 650*, *Doris* (*NR* 7, no. 157 [10 Sept. 1814]: 15.

28. *Jacob Jones*, *NR* 8, no. 206 (12 Apr. 1815): 407; *Lark*, *NR* 3, no. 58 (10 Oct. 1812): 94, and *NR* 5, no. 110 (9 Oct. 1813): 104; *LL*, no. 4782 (29 June 1813). Case file, Robinson v. Hook, October Term, 1826, RG 21, Maine Circuit Court Records, NARA Northeast, Waltham, Massachusetts. A letter in the case file from Josiah Hook, collector, to Secretary of State Monroe, dated 26 Sept. 1813, recommends that the *Lark* and the *Lydia* have their licenses revoked because they were smugglers.

29. Godfrey Hodgson, *Lloyd's of London: A Reputation at Risk* (London: Penguin, 1989), 47–58. In 1694, Lloyd's Coffee House moved to the Lombard Street banking district and quickly became a gathering place for maritime investors and a busy auction room for the sale of prize goods captured during the war with France and Spain (1698–1712). After fifty years of uncontrolled growth, the more serious underwriters split off from the coffee house gamblers to form the new Lloyd's in 1769. Relocated in its new quarters above the Royal Exchange in 1771, Lloyd's grew from the original seventy-nine investors to nearly two thousand members by 1814.

30. Nicholas Tracy, *Attack on Maritime Trade* (Toronto, ON: University of Toronto Press, 1991), 73.

31. Donald R. Hickey, *The War of 1812: A Forgotten Conflict* (Urbana: University of Illinois Press, 1989), 217.

32. In what is known as the Penobscot Expedition, Castine was taken on 1 September 1814, followed by the towns of Hampden, Bangor, Eastport, and Machias. Within two weeks, roughly one hundred square miles of Maine, rechristened New Ireland, were in British hands and remained so for the rest of the war. Casualties on both sides were relatively light although both Bangor and Hampden were sacked.

33. Log of the *Chasseur*. When Boyle and the *Chasseur* returned to Baltimore after

a three-month cruise off England, Ireland, the Western Isles, Bermuda, and Halifax, he had taken eighteen prizes, sent half of them in, burned four, and released five as cartels. Harold Horwood, *Plunder and Pillage: Atlantic Canada's Brutal and Bloodthirsty Pirates and Privateers* (Halifax, NS: Formac, 2011), 179. *Salem Gazette*, 6 Apr. 1814, 3.

34. Lloyd's underwriters contributed to the Shipping Fund for widows and orphans of sailors, as well as subscribing to various funds to celebrate famous naval victories. Nicholas Tracy, ed., *The Naval Chronicle: The Contemporary Record of the Royal Navy at War*, vol. 5 of 5, 1811–1815 (London: Stackpole, 1999), 237.

35. E. S. Maclay, *A History of American Privateers* (New York: D. Appleton, 1899), xvi.

36. Clement W. Crowell, *Novascotiaman* (Halifax, NS: Nova Scotia Museum, 1979), 376.

37. Insurance Journals, 1803–1817, Akins Collection, MG1, vol. 2, no. 5, NSA.

38. *NG&PL*, 16 Dec. 1812, 2.

39. *NR* 7, no. 18 (31 Dec. 1814): 285. Niles published insurance rates from Halifax to London and Castine (20 percent), along with a list of fifty-two Royal Navy vessels lost or captured since the outbreak of war. Donald Macintyre, *The Privateers* (London: Paul Elek, 1975), 171–72, quotes the *Liverpool Mercury*, 1 May 1813. See also Alfred Thayer Mahan, *Sea Power in Its Relations to the War of 1812*, 2 vols. (Boston, MA: Little Brown, 1905), 2:182. C. H. J. Snider, *Under the Red Jack* (Toronto, ON: Musson, 1927), 3, credits the high cost of insurance to New Orleans to Atlantic Canadian privateers. See also Hickey, *War of 1812*, 230.

40. Interrogatory 19 asked, "Is the said ship or goods, or any, and what part insured? If yea, for what voyage is such insurance made, and at what premium, and when and by what persons, and in what country was such insurance made?" Christopher Robinson, *English Reports: Ecclesiastical, Admiralty, Probate & Divorce*, vol. 165 (Edinburgh: W. Green and Son), 1923. American admiralty courts asked a virtually identical question, but the data is not as complete.

41. Examination of Jabez Norton, master, 20 July 1812, RG 8, IV, vol. 125, *Maria*, LAC; examination of Seth Webber, master, 3 Sept. 1812, RG 8, IV, vol. 73, *Ceres*, LAC; Examination of Amos Hill, master, 5 Nov. 1812, RG 8, IV, vol. 118, *Reward*, LAC. Cited in Faye Margaret Kert, *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada in the War of 1812*, Research in Maritime History, no. 11 (St. John's, NL: International Maritime History Association, 1997), 149.

42. Examination of M. Garesche, supercargo, 20 Apr. 1813, RG 8, IV, vol. 73, *Amanda*, LAC. Dragon's blood was a red-colored tree gum or resin used for varnish.

43. H. C. Timewell, "Guernsey Privateers," *Mariner's Mirror* 56, no. 2 (Apr. 1970): 213.

44. Maj. James Ripley Jacobs and Glenn Tucker, *The War of 1812: A Compact History* (New York: Hawthorn, 1969), 200.

45. U.S. Navy Historical Center, www.history.navy.mil (consulted 2004). The 1802 dress regulations for officers were updated in 1814 for the "convenience and comfort of the officers" while retaining their elegant appearance.

46. Nathaniel Hawthorne, ed. *The Yarn of a Yankee Privateer* (New York: Funk and Wagnalls, 1926), 21. This work was attributed to Benjamin F. Browne.

47. Reid portrait in S. Ellis, *History of Our Country*, vol. 3 (Cincinnati, OH, 1895). René Chartrand, personal communication.

48. René Chartrand, personal communication.

49. *Montreal Herald*, 6 Mar. 1813 (courtesy of René Chartrand.)

50. Howard I. Chapelle, *The Search for Speed Under Sail* (London: Conway Maritime, 1967), 133.

51. James Barnes, *Naval Actions of the War of 1812* (New York: Harper & Brothers, 1896), 92.

52. Chapelle, *Speed Under Sail*, 211.

53. Chapelle, *Speed Under Sail*, 212–13.

54. John A. McManemin, *Captains of the Privateers of the War of 1812* (Spring Lake, NJ: Ho-Ho-Kus, 1994), 299.

55. Chapelle, *Speed Under Sail*, 247.

56. See B. B. Crowninshield, "An Account of the Private Armed Ship America of Salem," *Proceedings of the Essex Institute*, vol. 37 (1901), 58–62; Winslow, *Wealth and Honour*, 152; sculpture in the collection of the U.S. Naval Academy, Annapolis, MD. *Young Teazer* described in Horwood, *Plunder and Pillage*, 168.

57. *Portland Gazette*, 17 Aug. 1812.

58. *NR* 3, no. 56 (26 Sept. 1812): 59.

59. *Baltimore Patriot*, 25 Oct. 1813.

60. McManemin, *Captains*, 209. McManemin refers to Joseph Felt, *The Annals of Salem from Its First Settlement* (1827), and while the story may be apocryphal, teaching a traitor a lesson by administering a strong purgative would have appealed to the sensibilities of the time.

61. Instructions to Privateers against Spain, 20 July 1739, Article 11, in R. G. Marsden, ed., *Documents relating to Laws and Customs of the Sea*, 2 vols. (London: Naval Records Society, 1915), 2:426.

62. *New Brunswick City Gazette*, 174 (7 Nov. 1814), 3. As the newspaper snidely added, this was "a mistake directly the reverse of that usually committed by American naval commanders."

63. *Portsmouth (NH) Oracle*, 31 Oct. 1812.

64. Privateer *Rapid* v. Schooner *Cometa*, U.S. District Court GA, Savannah, Mixed Cases 1790–1860, RG 21, box 10, folder 9, NARA, Atlanta, GA.

65. Barnes, *Naval Actions*, 45.

66. Owner's instructions to Capt. John Morgan, 7 Jan. 1813, RG 8, IV, vol. 81, *Enterprize*, LAC.

67. The *Ceres* (8 guns, 20 men) was returning to Liverpool, England, with four hundred tons of valuable hides, horns, and tallow from Buenos Ayres when captured by the *Lawrence* of Baltimore (9 g., 120 m.). See *NR* 6, no. 147 (25 June 1814): 281. See also *HG*, 22 June 1814, 3.

68. These were *Fame*, *Polly*, *America* (Salem), *Globe*, *Hussar*, *Wasp*, *Patapsco*, *Sylph*, *Leo* (Baltimore), *Saucy Jack* (Charleston), *Saratoga*, *General Armstrong*, *Snap Dragon* (New York), *Fox* (Portsmouth), *Rambler*, and *Rattlesnake* (Philadelphia).

69. William S. Dudley, ed., *The Naval War of 1812*, vol. 1 (Washington, DC: Naval Historical Center, 1985), 633.

70. Charles J. Ingersoll, *History of the Second War between the United States of America and Great Britain, Declared by Act of Congress the 18th of June, 1812, and Concluded by Peace, the 15th of February, 1815*, 2nd ser., vol. 1 (Philadelphia, PA: Lippincott, Grambo & Co., 1852), 196. The fleet comprised HMS *Marlborough* (74 guns, Capt.

Charles Bayne Hodgson Ross), Rear-Admiral Cockburn's flagship; *Dragon* (74 g., Robert Barrie); *Poictiers* (74 g., Commodore Sir John Poo Beresford); *Victorious* (74 g., John Talbot); *Acasta* (44 g., Alexander Kerr); *Junon* (38 g., James Saunders); *Statira* (38 g., Hazard Stackpole); *Maidstone* (36 g., George Burdett); *Belvidera* (36 g., Richard Byron); *Narcissus* (32 g., John Richard Lumley); *Lauristinus* (21 g., Thomas Graham); and *Tartarus* (20 g., John Pasco).

71. Mahan, *War of 1812*, 1:286.

72. *NG&PL*, 24 Mar. 1813, 3. The date was 19 March.

73. *London Times*, 12 Oct. 1813. Capel's account of the escape of the *President* is in a letter to Admiral Warren, 11 May 1813, cited in Mahan, *War of 1812*, 2:105–6.

74. *RG&NBA*, no. 268 (15 Feb. 1813), 4. *Salem Gazette*, 24 Mar. 1813.

75. Proclamation by Sir John Borlase Warren Bart, K.B. Admiral of the Blue, aboard *San Domingo*, at Bermuda, 26 May 1813, RG 8, IV, vol. 94, *Republican*, LAC.

76. List of port entries, U.S. District Court for the Southern District of New York, RG 21, NARA.

77. Affidavit of eighteen merchants, RG 8, IV, vol. 86, *Hoppet*, LAC.

78. *NSRG*, 1 June 1813..

79. D. P. O'Connell, *The Influence of Law on Sea Power* (Manchester: Manchester University Press, 1975), 20, suggests that because poorly enforced eighteenth-century blockades alienated enemy and neutral alike, the Declaration of Armed Neutrality resolved the issue by defining what constituted a blockade under international law. Carleton Savage, *Policy of the United States toward Maritime Commerce in War* (Washington, DC: 1934), 9, records Monroe's statement made at the end of June 1814. *NR* 7, no. 159 (24 Sept. 1814), carried Madison's message.

80. *HG*, 11 Aug. 1812, 2. Dateline Washington.

81. John Price to his brother in the West Indies, 20 June 1813, RG 8, IV, vol. 78, *Calson*, LAC.

82. Brian Arthur, *How Britain Won the War of 1812: The Royal Navy's Blockades of the United States, 1812–1815* (Woodbridge, Suffolk: Boydell, 2011), 230 (Table 3, United States Net Customs Revenues in $ 1809–1914 – to 31 December annually) and 242 (Table 17, Merchant Shipping Tonnage in Unites States Foreign Trade, 1807–1815).

83. *Boston Patriot*, 27 Jan. 1813.

84. *NR* 6, no. 134 (26 Mar. 1814): 712.

85. *NR* 8, no. 18 (15 Apr. 1815): 112.

86. "Perkins and Company, Canton, 1803–1827," *Bulletin of the Business Historical Society* (Baker Library, Boston), 6, no. 2 (Mar. 1932.)

87. Samuel Elliot Morrison, *The Maritime History of Massachusetts, 1783–1860* (Boston, MA: Houghton Mifflin, 1941), 204. The name Tamahamaha was a common spelling of the name of King Kamehameha of Hawaii and a further indication of the range of American trading ventures.

88. William Armstrong Fairburn, *Merchant Sail*, 6 vols. (Lovell, ME: Fairburn Marine Educational Foundation), 1:569.

89. Fairburn, *Merchant Sail*, 1:569.

90. Letter from Captain Edes, 6 Dec. 1814, *NR* 8, no. 18 (15 Apr. 1815): 112.

91. Information from Capt. Israel Thorndyke, formerly of the privateer *Hyder Ally*, *NR* 8, no. 18 (15 Apr. 1815): 112.

92. Morrison, *Maritime History*, 205.

93. *Boston Patriot*, 13 May 1815, 17 May 1815, 27 May 1815. According to Wikipedia, a **picul,** or tam, is a traditional Asian unit of weight, defined as "a shoulder-load, as much as a man can carry on a shoulder-pole." Tutenque or tutenague was a silver-colored Chinese metal, either pure zinc or a mixture of lead and iron that was used in the production of Chinese money. Cassia was Chinese cinnamon.

94. Snider, *Under the Red Jack*, 3.

95. Morrison, *Maritime History*, 205.

96. *Cincinnati Western Spy*, 14 Aug. 1813.

97. *Georgia Journal* (Milledgeville), 6, no 14 (25 Jan. 1814): 2.

98. Kert, *Prize and Prejudice*, 139.

99. Mahan, *War of 1812*, 2:177.

100. C. S. Forester, *The Naval War of 1812* (London: Michael Joseph, 1957), 121.

101. *Salem Gazette*, 1 Oct. 1813, 3. See also John Armstrong, "The Significance of Coastal Shipping in British Domestic Transport, 1550–1830," *International Journal of Maritime History* 3 (1991): 70–76. *Boston Weekly Messenger*, 27 Aug. 1813. "Three waggons arrived in town on Saturday, from Charleston, S. C. 60 days passage."

102. Pliny Class [?], Boston, to Mr. H. Toler, Portland, ME, 8 Oct. 1813, Colles Collection, folder 1, 55, New York Public Library.

103. "The Horse Marine," a guest blog by Mary Bowden, posted 30 Dec. 2012 at http://headlinersfoundation.org. Bowden highlights events from 30 December 1812 and includes this quote from the *True American*, reprinted by the *Aurora*, 19 Nov. 1813.

104. *Salem Gazette*, 22 Oct. 1813, 3.

105. Letters Patent, Edw. 3, 3 Jan. 1338, in John B. Hattendorf, R. J. B. Knight, A. W. H. Pearsall, N. A. M. Rodger, and Geoffrey Till, eds., *British Naval Documents, 1204–1960* (Washington, DC: 1993), 21.

106. W. S. MacNutt, *The Atlantic Provinces: The Emergence of Colonial Society, 1712–1857* (Toronto, ON: McClelland and Stewart, 1965), 130.

107. Mahan, *War of 1812*, 1:388, mentions that the date of this decree, 31 July 1813, coincided with the peace accord between Britain and Sweden and Russia.

108. George Krochmann to Hercules Sharpe, 31 July 1813, RG 8, IV, vol. 135, *Mary*, LAC. According to R. P. Crowhurst, *The French War on Trade: Privateering, 1793–1815* (Brookfield, CT: Gower, 1989), 55. French privateers also took advantage of convoy assembly points, such as the Isle of Wight, where outgoing vessels were relatively well protected but became targets of French corsairs on the return journey.

109. Admiralty document, 19 Feb. 1741, in Hattendorf et al., *British Naval Documents*, 369.

110. *London Times*, 17 Aug. 1814, 2.

111. *London Times*, 3 Jan. 1815, 3. Extract of a letter from an agent of Lloyd's at Halifax, dated 3 Dec. 1814.

112. *London Times*, 4 Feb. 1815, 2.

113. *AC&DA*, 11 July 12.

114. Jerome R. Garitee, *The Republic's Private Navy: The American Privateering Business as Practised by Baltimore during the War of 1812* (Middletown, CT: Wesleyan University Press, 1977), 47.

115. *Portland Gazette*, 3 Aug. 1812. Extract of a letter written from Eastport to a friend

in Portland, 20 July 1812. Within a month, *Lion* returned its commission and does not appear to have sailed again. The *Jefferson* undertook at least four more cruises.

116. First Secretary of the Navy John Wilson Croker to Admiral Sir John Borlase Warren, 10 Feb. 1813, quoted in Voelker, *Broke*, 39. See also Faye Kert, "The Fortunes of War: Commercial Warfare and Maritime Risk in the War of 1812," *Northern Mariner/Le marin du nord* 8, no. 4 (1998): 9.

117. Winslow, *Wealth and Honour*, 148.

118. The figure of 212 captures is based on the vice-admiralty court records, which include only prizes brought in for adjudication. Hundreds more vessels were likely destroyed, released, ransomed, or sent off as cartels for prisoners of war.

119. Mahan, *War of 1812*, 2:181–206.

120. Arthur, *How Britain Won*, 232.

121. Mahan, *War of 1812*, 2:177; and *NSRG*, 19 May 1813.

122. Winslow, *Wealth and Honour*, 173.

CHAPTER 2: "True, Publick and Notorious"

Epigraph. "The Yankee Privateer" in Edward Everett Hall, *New England History in Ballads*, originally published 1893. The song refers to Abraham Whipple, captain of the *Providence*, a Revolutionary War privateer out of Rhode Island.

1. Robert F. A. Fabel, "Self-help in Dartmoor: Black and White Prisoners in the War of 1812," *Journal of the Early Republic* 9 (Summer 1989): 165. The 100,000 figure is one of the only estimates I have found for numbers of American privateers and could well be on the low side. With a much smaller population, Atlantic Canada sent out at least 1,500 men and probably more, since some men made only one cruise aboard a privateer and were replaced by others on subsequent cruises.

2. Samuel Roads Jr., *The History and Traditions of Marblehead* (Boston, MA: Houghton Osgood, 1880), 255. Available at https://archive.org/details/historytradition00 road. According to the 1810 census, Marblehead had 5,842 citizens, including 63 "people of color", meaning nearly 20 percent of the population were actively involved in the war (p. 240).

3. Francis H. Upton, LL.B. *The Law of Nations affecting Commerce During War: With a Review of the Jurisdiction, Practice and Proceedings of Prize Courts* (1861; reprint, Littleton, CO: Fred B. Rothman, 1988), 100.

4. The libel was filed in court by the privateer owners and stated the grounds for condemnation as prize. There were three requirements; there had to be a state of war, the privateer had to possess a bona fide letter of marque and reprisal, and the prize had to belong to an enemy. Since all of this information was "true, publick and notorious," the judge was urged to condemn the ship and its cargo to the libellant as "good and lawful prize" according to the Law of Nations.

5. John B. Hattendorf, R. J. B. Knight, A. W. H. Pearsall, N. A. M. Rodger, and Geoffrey Till, eds., *British Naval Documents, 1204–1960* (Surrey, UK: Ashgate, 1993), 5.

6. R. G. Marsden, ed., *Documents Relating to Laws and Customs of the Sea* (London: Naval Records Society 1915), 1:99.

7. Richard Pares, *Colonial Blockade and Neutral Rights, 1739–1763* (Oxford: Clarendon, 1938), 2.

8. Sir Travers Twiss, Q.C., D.C.L., ed., *Monumenta Juridica: The Black Book of the*

Admiralty, 4 vols. (1857; reprint, Weisbaden: Kraus, 1965), 3:99, refers to chapter 22 of the 252 chapters of the *Good Customs of the Sea* (1494), regarding damage by rats aboard ship and if "there be no cat in the ship, the managing owner of the ship is bound to make compensation."

9. Robert W. Kendall, *Private Men-of-War* (London: Philip Allen, 1931), 6. The Cinq Ports at that period lay along the Coast of Kent and consisted of Hastings, Romney, Hythe, Dover, and Sandwich. The towns of Winchelsea and Rye were added later. Faye Margaret Kert, *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada in the War of 1812*, Research in Maritime History, no. 11 (St. John's, NL: International Maritime History Association, 1997), 38.

10. Kendall, *Private*, 4.

11. Upton, *Law of Nations*, 101.

12. D. G. L. Fraser, "The Origin and Function of the Court of Vice-Admiralty in Halifax, 1749–1759," *Nova Scotia Historical Society* 33 (1961): 57.

13. E. S. Roscoe, *A History of the English Prize Court* (London: Lloyd's, 1924), 4.

14. Twiss, *Monumenta*, 1:21. Regarding original shares of prize, ca. 1338, see also H. C. Rothery, *Prize Droits* (London: His Majesty's Stationery Office, 1915), 14. The amounts of the Crown's share and the admiral's rose and fell over time. In the sixteenth century, the admiral received one-tenth of every prize whether taken by a king's ship or a privateer. To encourage privateers, after March 1708, the admiral renounced his shares so that the entire profits went to the captors unless the prize was a perquisite of admiralty or a recapture. This act put the navy and private armed warships on equal footing. J. S. Bromley, "Prize Office and Prize Agency at Portsmouth, 1689–1713," *Corsairs and Navies* (London: Hambledon, 1987), 464.

15. Joseph D. Doty, *The British Admiralty Board as a Factor in Colonial Administration, 1689–1763* (Philadelphia, PA: Westbrook, 1930), 14.

16. Kendall, *Private*, 15. In support of their dubious legitimacy, Kendall offers a contemporary quote: "*nulli melius praticani exercent quam angli*" (given the choice, sailors can be first-class pirates), 59.

17. Kenneth R. Andrews, ed., *English Privateering Voyages to the West Indies, 1588–1595* (Cambridge: Haklyut, 1959), 1.

18. Marsden, *Laws and Customs*, 1:xviii. By the War of 1812, the cost of bonds had not increased markedly. Bonds for Nova Scotia and New Brunswick privateers cost £1,500, proportionally much less than in Elizabethan times.

19. Andrews, *English Privateering Voyages*, 8.

20. Pares, *Colonial Blockade*, 53.

21. Kendall, *Private*, 3.

22. Sir William Holdsworth, *A History of English Law* (London: Methuen, 1966), 654–56. The French version was known as *robe d'ennemi*.

23. Grotius was commissioned by the Dutch East India Company to write a brief on prize law. Out of this came *Mare Liberum* (1609), followed by *De Jure Belli* (1625), an attempt to explain belligerent rights in terms of the laws of war and peace. Kert, *Prize and Prejudice*, 38. Bynkershoek wrote *De dominio maris* in 1702. A concept developed in Denmark in the late sixteenth century, the territorial limit was defined as a continuous neutral belt at a set distance from shore; it was eventually adopted by Sweden and then

France in the eighteenth century. By 1812, the one-league distance was almost universally recognized as a neutral zone. This was equivalent to three miles, the possible range of a cannon shot, under international law. Under the 1982 United Nations Convention on the Law of the Sea, neutral waters were extended and a twelve-mile limit affirmed. H. S. K. Kent, "The Historical Origins of the Three-Mile Limit," *American Journal of International Law* 48, no. 4 (Oct. 1954): 537–53.

24. Robin F. A. Fabel, "The Laws of War in the 1812 Conflict," *Journal of American Studies* 14, no. 2 (Aug. 1980): 203.

25. Upton, *Law of Nations*, 287, cited by Sir William Scott, Lord Stowell in 1794. William Murray, Lord Mansfield (1705–1793), lawyer, member of Parliament, and lord chief justice, was responsible for numerous reforms to the English legal system.

26. Emmerich de Vattel, *The Law of Nations or Principles of the Law of Nations Applied to the Conduct of Affairs of Nations and Sovereigns* (Philadelphia, PA: T. & J. W. Johnson, 1857), 364, 339, regarding right of search. If goods were seized from a neutral vessel, the master was entitled to payment of freight, whereas when neutral goods were taken from an enemy vessel, no compensation was offered.

27. Gary M. Anderson and Adam Gifford Jr., "Privateering and the Private Production of Naval Power," *Cato Journal* 11, no. 1 (Spring/Summer 1991): 105.

28. *Expedition* v. *Adeline*, 1815, in James Brown Scott, *Prize Cases Decided in the United States Supreme Court, 1789–1918, including also cases on the instance side in which questions of Prize Law were involved*, 3 vols. (Oxford: Clarendon, 1923), 2:738.

29. Helen J. Crump, *Colonial Admiralty Jurisdiction in the Seventeenth Century* (London: Longmans Green, 1931), 59. The right of visitation and search existed only during war (unless permitted by treaty) and was strictly regulated. It involved reviewing the ship's papers and observing the ship and crew for signs of suspicious activity. Naval vessels were entitled to investigate a potential prize more thoroughly, but privateers had to rely on intuition and even trickery when deciding whether to capture an apparently neutral or innocent vessel. If the capture was groundless, the captor was liable for any losses or costs. Upton, *Law of Nations*, 222–32.

30. Crump, *Colonial Admiralty*, 28.

31. Matthew P. Harrington, "The Legacy of the Colonial Vice-Admiralty Courts," pt. 1, *Journal of Maritime Law and Commerce* 26, no. 4 (Oct. 1995): 594. In 1697, royal commissions were issued to judges in Rhode Island, the Bahamas, South Carolina, Pennsylvania, and West Jersey, creating vice-admiralty courts to accompany those already established in New Hampshire, Massachusetts, New York, Connecticut, and North Carolina.

32. Robert C. Ritchie, *Captain Kidd and the War against the Pirates* (Cambridge, MA: Harvard University Press, 1986), 127–59.

33. An Act for the Encouragement of the Trade to America, 1708, 6 Anne, c. 37. In 1707, An Act for the Better Securing of the Trade of this Kingdom by Cruisers and Convoys, 6 Anne 13, provided for any unclaimed prize money or forfeits to be turned over to Greenwich Hospital for the use of injured seamen and their families.

34. Description of the Nova Scotia Court of Vice-Admiralty fonds, Nova Scotia Archives, http://novascotia.ca/archives. According to Arthur Stone, this was not the first court of vice-admiralty in Nova Scotia, but although Annapolis seems to have received a vice-admiralty court charter in 1720, no court records have been found. Arthur J. Stone,

"The Admiralty Court in Colonial Nova Scotia," *Dalhousie Law Journal* 17 (1994): 364–65. Respondentia bonds involved repayment of loans based upon cargo that was laden aboard ships while bottomry bonds related to loans against the ship.

35. Hon. John Doull, *Sketches of Attorney Generals of Nova Scotia, 1750–1926* (Halifax, NS: 1964), 61.

36. James Stewart, *Reports of cases argued and determined in the Court of Vice-Admiralty at Halifax, in Nova Scotia from the commencement of the war, in 1803, to the end of the year 1813, in the time of Alexander Croke LLD., Judge of that Court* (Halifax, NS: J. Butterworth & Son, 1814), 482–86.

37. *American Daily Advertiser*, 21 Sept. 1813. This "most brilliant display of art" was made even more accessible once the museum ensured that ladies and gentlemen could visit the Picture Gallery together "without passing in view of the statues!"

38. Elizabeth Simpson, ed., *The Spoils of War: World War II and Its Aftermath: The Loss, Reappearance, and Recovery of Cultural Property* (New York, NY: Harry N. Abrams, 1999), 287.

39. The *Rapid* had been the *Lovely Cordelia*, owned by Peter Sicard of Charleston but sold for $5,000 to neutral Swedish owners in 1813. Records of the District Courts of the United States, Mixed Case Files, 1790–1860, U.S. District Court for the Southern District of Georgia (Savannah), RG21, box 10, folder 9, NARA, Atlanta.

40. Among the records in the Chatham County Courthouse is Deed Book 2-E, pp. 130–31, which shows a power of attorney given to John Low to receive prize monies from the *Liberty* of Baltimore. Dated 17 February 1813, it refers to *Liberty* as "now fitted out and intended to sail from the Port of Savannah on a cruise." Courtesy Farris Cadle, personal communication, May 2012.

41. This was not the privateer *Rapid* (Francis Broquet) from Charleston which carried three prizes into Savannah.

42. By comparison, the vice-admiralty court in Halifax adjudicated 744 prize cases, 212 of which were taken by privateers.

43. Scott, ed., *Prize Cases Decided*, 1:8. The editor cites "The Predecessor of the Supreme Court" by J. Franklin Jameson in *Essays of the Constitutional History of the United States in the Formative Period, 1775–1789* (1899).

44. Henry J. Bourgignon, *Sir William Scott, Lord Stowell, Judge of the High Court of Admiralty, 1798–1828* (Cambridge, UK: Cambridge University Press, 1987).

45. Scott, *Prize Cases*, 1:1. William McFee, *The Law of the Sea* (Philadelphia, PA: J. B. Lippincott, 1950), 157.

46. Upton, *Law of Nations*, 287.

47. Upton, *Law of Nations*, 290–95, Appendix 2: The Prize Rules of the United States District Court for the Southern District of New York.

48. George Coggeshall, *The American Privateers* (New York, 1861; reprint, London: Leonaur, 2009, 92–93). According to the prize act of 26 June 1812, 2 percent of the net amount of prize money was to be paid to the collector of customs as a fund for sailors' widows and orphans and for disabled seamen.

49. Libel for Salvage by Ultor, 3 Aug. 1814, *Ultor* v. *Astrea*, RG 21, box 19, folder 6; Citation, 2 Jan. 1815, *Ultor* v. *Astrea*, box 23, folders 7–10, USDCGA.

50. From the beginning of prize law, any prize of war belonged first to the sovereign as part of his ancient fiscal prerogative. Prize courts applied the international law of prize

to determine whether the prize was, in fact, enemy property, and if so, by a decree or act of condemnation, transferred legal ownership from the Crown to the captor. The gradual relinquishment of Crown rights ended with 6 Anne, c. 37, 1708. This act, increased privateer profits by 30 percent. James G. Lydon, *Pirate, Privateers and Profits* (Upper Saddle River, NJ: Gregg Press, 1970), 58. In the case of the *Liverpool Packet* and *General Smyth*, without a declaration of war, privateer captures were not any more legitimate than piracy. Despite the provisional letters of marque they carried, the *Liverpool Packet* and *General Smyth* had to fight for the prize money they earned between June and November 1812.

51. *NR*, Sept. 1812 to Apr. 1815, vol. 5, supplement to no. 109, 2 Oct. 1813, 84–85.

52. Carl E. Swanson, *Predators and Prizes: American Privateering and Imperial Warfare, 1739–1748* (Columbia: University of South Carolina Press, 1991), 37.

53. Scott, *Prize Cases*, 2:1271. Collusive capture took several forms, but it generally involved the prearranged seizure of a specified ship and cargo. Goods that could not otherwise be imported during wartime could be captured and, if condemned, sold for the benefit of the captor. American customs officials accepted misleading manifests, which identified fraudulent cargo destinations, while smugglers cooperated by returning with forged landing certificates on which drawbacks were claimed and paid. Goods really destined for New Brunswick or Nova Scotia were approved by inept customs officers, and smugglers gladly paid the fees.

CHAPTER 3: No Prey, No Pay

Philip Freneau, "The Brigantine Privateer, Prince de Neufchatel," in William McCarty, comp., *The American National Song Book* (1842), available at www.bartleby.com/338/412.html. The *Prince of Neufchatel* was a 320-ton brig (18 guns, 130 men) fitted out in Cherbourg, France, that sailed out of New York, then Boston. She had an extremely successful career, taking at least thirty prizes before yielding to the Royal Navy in December 1814.

1. James Scythes, "Financing US" for U.S. figures, 1:242, and Paul David Nelson, "Banking in Canada and Great Britain," for British debt figures, 1:39–40, both in Spencer C. Tucker, ed., *Encyclopedia of the War of 1812: A Political, Social and Military History*, 3 vols. (Santa Barbara, CA: ABC-CLIO, 2012). Scythes refers to a congressional committee estimate of $80 million borrowed by the U.S. Treasury between 1812 and 1816, while Nelson states that between 1798 and 1815, the Napoleonic Wars (of which the War of 1812 was but a small part) increased Britain's national debt from £400 million to £860 million.

2. Andrew Lambert, *The Challenge: America, Britain and the War of 1812* (Harmondsworth, UK: Faber & Faber, 2012), 55–59.

3. Marcel A. Desrosier, "Banking in the United States," in Tucker, *Encyclopedia of the War of 1812*, 1:40–41. As Desrosier notes, unlike the national bank, state banks could not collect federal government revenues and did not transfer funds between states, leaving the Treasury Department trying to finance a war without a bank able to take in or expend public monies or pay public debts. The private bank of Stephen Girard subsequently served as a trustee for the assets of the First National Bank until a new Second Bank was founded in 1816.

4. See Richard Peters, Esq., ed., *United States Statutes at Large, 1789 to Mar. 3, 1845*, vols. 2 and 3 (Boston, MA: Charles C. Little and James Brown, 1845, 1846). An Act Declaring War Between the United Kingdom of Great Britain and Ireland and the

Dependencies Thereof, and the United States of America and Their Territories, 18 June 1812, 12th Cong., 1st Sess., chap. 102, p. 755.

5. *NG&PL*, 18 Dec. 1812, 2.

6. Brian Arthur, *How Britain Won the War of 1812: The Royal Navy's Blockades of the United States, 1812–1815* (W. Suffolk, UK: Boydell Press, 2011), U.S. figures, appendix B, table 2, 229, and British figures, appendix B, table 16, 241. Arthur (xvi) uses the exchange rate of $4.44 to the pound sterling established by mutual agreement between the two countries in September 1803 and largely unchanged during the course of the war.

7. Paul M. Kennedy, *The Rise and Fall of British Naval Mastery* (New York, NY: Random House, 1976), 140–41; and John K. Mahon, *The War of 1812* (Gainesville: University of Florida Press, 1972), 95. According to H. C. Allen, *Conflict and Concord: The Anglo-American Relationship since 1783* (New York, NY: Adam & Charles Black, 1959), 57, exports rose again in 1815 to £13,255,374.

8. James G. Lydon, *Pirate, Privateers and Profits* (Upper Saddle River, NJ: Gregg, 1970), 232.

9. Nicholas Tracy, *Attack on Maritime Trade* (Toronto, ON: University of Toronto Press, 1991), 77.

10. Michael Crawford, "The Navy's Campaign Against the Licensed Trade in the War of 1812" *American Neptune* 46, no. 3 (Summer 1986): 167.

11. An Act to Prohibit American Vessels from Proceeding to or Trading with the Enemies of the United States, and for Other Purposes, 6 July 1812, 12th Cong., 1st Sess., *United States Statutes at Large*, chap. 129, pp. 778–81.

12. Licensed trade was part of the prize act of 1809 (49 Geo. 3, c. 34). Tracy, *Attack on Maritime Trade*, 77. The full text of the American prohibition was published in Niles's *Weekly Register*, 18 July 1812.

13. Admiral Sawyer to Andrew Allen, 5 Aug. 1812, RG8, IV, vol. 118, *Reward*, LAC. Sawyer agreed to order his ships not to molest unarmed American vessels carrying provisions as long as their papers included a certified copy of this letter under the consular seal. The letter also protected the crew from impressment and was valued for that alone.

14. Testimony of Christopher Williams and Ephraim Simonds, 31 Mar. 1813, RG8, IV, vol. 99, *Victory*, LAC.

15. Note from Captain Shea to Joseph Barss and Joseph Freeman, 9 Sept. 1813, RG8, IV, vol. 90, *Mary*, LAC.

16. Michael Rutstein, *The Privateering Stroke: Salem's Privateers in the War of 1812* (Self-published, 2012), 82.

17. Claim and affidavit of Capt. Nathaniel Williams, 22 August 1813, RG8, IV, vol. 74, *Monsoon* ($1,133 for a license), LAC; see also Donald R. Hickey, *The War of 1812: A Forgotten Conflict* (Urbana: University of Illinois Press, 1989), 117.

18. *NG&PL*, 16 Dec. 1812, 2.

19. Arthur, *How Britain Won*, 39. Arthur notes that some ten thousand licenses per year had been issued between 1807 and 1811 for the peninsular trade, many of them to neutral American vessels. Those opposed to licensing claimed that by encouraging such traffic, Britain was rendering its own blockades illegal.

20. Rutstein, *Stroke*, 270. The ship *Grotius* of Portsmouth, NH, was taken off Nova Scotia by *Frolic* of Salem on 30 July 1813 as it was returning from London in ballast. The vessel's condemnation was appealed to the Supreme Court and finally award to the *Frolic*

in 1815. See James Brown Scott, *Prize Cases Decided in the United States Supreme Court, 1789–1918, including also cases on the instance side in which questions of Prize Law were involved*, 3 vols. (Oxford: Clarendon, 1923), 8 Cranch, 456 (1814), and 9 Cranch, 368 (1815). When approached by *Saratoga*, *Revenge*, *Comet*, and *Caroline*, *Drake's* captain mistook the privateers for British cruisers and produced his license.

21. *NR* 2, no. 48 (1 Aug. 1812): 366.

22. Examination of John Rowez, mate, 19 Apr. 1813, RG8, 4, vol. 84, *Frederick Augustus*, LAC. Captain Eldred had been stopped earlier that day, 9 April 1813, by HMS *Ramilies* and been released by Sir Thomas Hardy after showing his license. He was able to obtain a deposition from Hardy testifying to the existence of a license, which persuaded the court to restore his ship and cargo on payment of costs.

23. See An Act to Prohibit American Vessels from Proceeding to or Trading with the Enemies of the United States, and for Other Purposes, 6 July 1812, 12th Cong., 1st Sess., *United States Statutes at Large*, chap. 129, p. 779.

24. Examination of Jonathan Edward Scott, master, RG 8, IV, vol. 91, *Minerva*, 18 Sept. 1813, LAC. Sir George Beckwith was the governor of Barbados who issued the license.

25. *Essex Register*, 14 Aug. 1813.

26. These were *Sally Ann*, taken by HMS *Statira* on 16 September, carrying flour, tobacco, and corn from New London to St. Bartholomews; *Reward*, seized a month later by the *General Smyth*; and *Economy*, taken 18 November by the *Liverpool Packet* privateer carrying flour, corn, rye, and "segars" from Virginia to Halifax.

27. Figures based on data gathered from Prize Court Records, RG8, IV, Vice-Admiralty Court, Halifax, 1784–1818, vols. 1–166, LAC.

28. "Smugglers Trade and Traitors Rights" was the headline of a *Boston Patriot*, 20 November 1813, article on smuggling.

29. An Act Laying an Embargo on All Ships and Vessels in the Ports and Harbors of the United States, 22 Dec. 1807, 10th Cong., 1st Sess., *United States Statutes at Large*, chap. 5, pp. 451–53.

30. Rear Admiral Berkeley to William Marsden, Halifax, NS, 14 Aug. 1807, CO 217/81, LAC.

31. W. S. MacNutt, *New Brunswick, A History: 1784–1867* (Toronto, ON: Macmillan, 1963), 132. St. Andrews was opened to limited trade in 1809, and both exemptions were extended by order-in-council in October 1811.

32. John D. Forbes, "Boston Smuggling, 1807–1815," *American Neptune* 10 (April 1950): 146.

33. An Act to Interdict the Commercial Intercourse Between the United States and Great Britain and France, and Their Dependencies; and for Other Purposes, 1 Mar. 1809, 10th Cong., 2nd Sess., *United States Statutes at Large*, chap. 24, pp. 528–33.

34. Gustav Wirrman, Stockholm, to William Parsons, Boston, 22 Apr. 1813, RG8, IV, vol. 118, *Maria*, LAC.

35. Alden Nowlan, *Campobello: The Outer Island* (Toronto, ON: Clarke, Irwin & Co., 1975), 58.

36. Margaret Els, A *Calendar of Official Correspondence and Legislative Papers, Nova Scotia 1802–15* (Halifax, NS: Public Archives of Nova Scotia, 1936), doc. 11, 230.

37. Donald C. Brown, "Eastport: A Maritime History," *American Neptune* 28, no. 2 (1968): 113. The American Revolution left the boundary between Maine and New Bruns-

wick undefined because the center of the St. Croix River could have been one of three rivers, and no one could decide which it was. Finally, the 1817 boundary commission gave Moose Island, Dudley Island, and Frederick Island to the United States and the rest, including Campobello Island, to Britain.

38. Faye Kert, *Trimming Yankee Sails: Pirates and Privateers of New Brunswick* (Saint John, NB: University of New Brunswick, 2005), 36.

39. Kert, *Trimming*, 36.

40. *Columbian Centinel* (Boston, MA), 2 Feb. 1814.

41. Appeal with further proof, *Decision*, J. Johnson, in Scott, *Cases Decided*, 933. Interestingly, *Fly* was the former New Brunswick privateer *Buckskin* that had originally been a Salem privateer of the same name.

42. John Leefe, "The Atlantic Privateers," *Nova Scotia Historical Quarterly* 8, no. 2 (1978): 122.

43. *Boston Repertory*, 24 Nov. 1813. This event is also recorded in *NR* 5, no. 119 (11 Dec. 1813): 256.

44. Wingate to Jones, 18 Sept. 1813, RG 45, E 575, vol. 3, NARA.

45. Kert, *Trimming*, 37.

46. Bothnia v. Washington, in Scott, *Cases Decided*, 2:917–34.

47. *NR* 5, no. 116 (20 Nov. 1813): 200.

48. Gordon Blake, *Customs Administration in Canada* (Toronto, ON: University of Toronto Press, 1957), 29.

49. For an excellent treatment of smuggling in the northeast, see Joshua M. Smith, *Borderland Smuggling: Patriots, Loyalists, and Their Illicit Trade in the Northeast, 1783–1820* (Gainesville: University Press of Florida, 2006).

50. "SHERIFF ADAMS *And his false-bottomed Waggon*," *Boston Patriot*, 8 Feb. 1815.

51. *Boston Patriot*, 24 Nov. 1813, citing the *Hallowell Advocate* of Maine.

52. William James Morgan, "American Privateering in America's War for Independence, 1775–1783," *American Neptune*, 36, no. 1 (1976): 84. Estimates are from Sidney G. Morse, *New England Privateering in the American Revolution* (PhD diss., Harvard University, 1941).

53. Thomas V. Huntsberry and Joanne M. Huntsberry, *Maryland Privateers War of 1812* (Baltimore, MD: J. Mart, 1983), 13.

54. Thomas Jefferson to William Duane, journalist, Monticello, 4 Aug. 1812, in J. Jefferson Looney, ed., *The Papers of Thomas Jefferson: Retirement Series, Volume 5. 1 May 1812 to 10 March 1813* (Princeton, NJ: Princeton University Press, 2008), 293–94, reprinted in the *War of 1812* magazine, issue 13, June 2010.

55. On 21 May 1812, Hamilton wrote to Commodore Rodgers and Commodore Decatur requesting their suggestions for the best way to deploy the small U.S. fleet in the event of war, while annoying British trade "in the utmost extent." His final instructions reflected a compromise solution of deploying first two, then three small squadrons that would protect American commerce from attack and fight if they had to. Officers like Rodgers and Decatur offered lip service to their orders but conducted their ships pretty much as they pleased. William S. Dudley, ed. *The Naval War of 1812, A Documentary History* (Washington, DC: Naval Historical Center, 1985), 1: 118–24. Secretary of the Navy Letters to Officers, Ships of War (SNL), vol. 10, RG45, NARA. See also Hickey, *The War of 1812*, 92–93.

56. *NR* 1, no. 14 (7 Dec. 1811): 251, reprinted from the *Federal Republican*.

57. From a standard letter of marque and reprisal issued to the *Alexander* of Salem, Benjamin Crowninshield, master, 1 Mar. 1813, RG 8, IV, vol. 132, *Aeolus*, LAC.

58. Naval History and Heritage Command, www.history.navy.mil/; see also *NR* 3, no. 53 (5 Sept. 1812): 11.

59. *LL*, no. 4730 (25 Dec. 1812).

60. *NR* 2, no. 51 (22 Aug. 1812): 415.

61. Jerome R. Garitee, *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812* (Middletown, CT: Wesleyan University Press, 1977), 111.

62. *London Times*, 24 Mar. 1813, 3.

63. *NR* 2, no. 48 (1 Aug. 1812): 366.

64. *The War* 1, no. 4 (18 July 1812): 16. The article was reprinted from the *Providence Patriot*, no date.

65. Responses to various public enquires, RG 45, Box SZ 645, NARA.

66. "Communication," Bath, 12 Aug. 1812, *New England Palladium*, 18 Aug. 1812.

67. *Georgia Journal* 5, no. 12 (12 Jan. 1814): 2.

68. Joshua Brown to Enoch Sawyer, Charleston, SC, 15 May 1813, RG 45, E575, vol. 1, p. 138, NARA.

69. *NR* 4, no. 82 (27 Mar. 1813): 72; *LL*, no. 4764 (23 Apr. 1813); *LL*, no. 4775 (4 June 1813); *Salem Gazette*, 5 Mar. 1813. *Albion* was retaken by the Nassau privateer *Caledonian* (50 men, 6 guns) and re-retaken by *Hazard*. After a seven-and-a-half-hour fight, it being dark and the ship so badly torn up, Captain Le Chartier decided to head for Saint Mary's, Georgia. This success may have inspired a third commission, but before she could take another prize, *Hazard* fell to a Cartagenian privateer in 1814 and was sent into Barbados.

70. An Act Concerning Letters of Marque, Prizes and Prize Goods, 16 July 1812.

71. An Act Allowing a Bounty to the Owners, Officers, and Crews of the Private Armed Vessels of the United States, 2 Aug. 1813, 13th Cong., 1st Sess., chap. 55, stat. I, followed by An Act in addition to an act, entitled "An Act allowing a bounty to the owners, officers, and crews of the private armed vessels of the United States," 19 Mar. 1814, 13th Cong., 2nd Sess., chap. 27, stat. II. Opposition comment by Mr. Jotham Post Jr. of New York, Debate 5 Mar. 1814, 1804–1806. See *A Century of Lawmaking for a New Nation: U.S. Congressional Documents and Debates, 1774–1875*, http://memory.loc.gov.

72. www.1812privateers.org/United%20States/Blockade/voucher.jpg, posted July 2013.

73. For a fuller discussion of Atlantic Canada's privateers, see Faye Margaret Kert, *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada in the War of 1812*, Research in Maritime History, no. 11 (St. John's, NL: International Maritime History Association, 1997).

74. *NR* 3, no. 53 (5 Sept. 1812): 11. The losses were also reported in *LL*, no. 4701 (11 Sept. 1812).

75. Warrant for Commission for the Liverpool Packet By his Excellency Lt. General Sir John C. Sherbrooke, KB to the Honourable & Worshipful Alexander Croke S.L.D., 20 Aug. 1812, RG1, v. 226 (microfilm) 88-52.107, NSA. Sherbrooke refers to His Majesty's commission, dated 16 May 1803, allowing lords commissioners of admiralty to issue letters of marque "to any of His Majesty's Subjects & others whom they shall deem fitly qualified" to take "Ships vessels and goods belonging to *France* or to any persons being subjects of France."

76. King's warrant for *Liverpool Packet*'s prizes, 3 June 1814, RG 8, IV, vol. 128, nos. 1–5, LAC. The most valuable prize was *Columbia*, with vessel and cargo bringing in £4,771. Court costs amounted to £5,000 or roughly 20 percent of the total value.

77. Harold Horwood, *Plunder and Pillage: Atlantic Canada's Brutal and Bloodthirsty Pirates and Privateers* (Halifax, NS: Formac, 2011), 65.

78. Property condemned to the Crown, petition for sale from HMS *Advocate*, 6 Mar. 1813, RG8, IV, vol. 128, nos. 1–5; and petition from John Dougan, agent, RG8, IV, vol. 29, accounts 9–11, LAC.

79. Privateers were less enthusiastic about recaptures because of the lower value of salvage awards, which was one-sixth of the value of the prize. In the U.S., An Act Providing for Salvage in Cases of Recapture, 3 Mar. 1800, 6th Cong, Sess. 1, chap. 14.

80. See Rutstein, *Stroke*, 31–53.

81. George Stiles (Baltimore) to James Monroe, Secretary of State, 9 July 1812, RG 45, E575, NARA.

82. *London Times*, 24 Mar. 1813, 3.

83. W. B. Crane and John Phillips Cranwell, *Men of Marque* (New York: W. Norton, 1940), 80. Captures by privateers like *Dolphin* (12 guns), *High Flyer* and *Fame* (9 g.), *Benjamin Franklin*, *Marengo*, *Comet*, *Rossie* (7 g.), and others kept the papers busy.

84. Rutstein, *Stroke*, 68. Unfortunately for the crews, both privateers were captured in 1812, and it was several years before the men were able to enjoy their rewards.

85. Log of the privateer *Bona*, reprinted in *Maryland Historical Magazine* 34, no. 2 (1939): 166–67.

86. Rutstein, *Stroke*, 101.

87. "Of Dividend Crews Prize Money 1815 & Settlement with Agent of Privateer *David Porter* in Prize Ship *Ann Dorothy*, Captd by *Saratoga*, recapted by HMS *Maidstone*, Re-recapted by *David Porter*, Sold Bath, 26 Dec 1814," manuscript, FMS Am 1068, 7–8, Houghton Library, Harvard University.

88. *The War* 1, no. 4 (18 July 1812): 16.

89. Log of *Fox*, 30 Apr. 1813, RG 8, IV, vol. 86, *Hope*, LAC.

90. William Dinsmore Chapple, "Salem and the War of 1812," *Historical Collections of the Essex Institute* 60, no. 1 (Jan. 1924): 49.

91. John Baker to his father, John Baker, from Dartmoor, 4 May 1814, War of 1812 Collection, MS 1846, Maryland Historical Society. According to John Baker's prison record, he was one of the first Americans sent to Dartmoor in April 1813 and was finally discharged two years later on 20 April 1815. From the General Entry Books of the Dartmoor Depot, ADM103/90, courtesy of Ron Joy.

92. *Portland Gazette*, 10 Aug. 1812.

93. *New Brunswick Courier*, 17 Sept. 1812, from the *New York Post*. Ingersoll was later appointed warden of the Port of New York.

94. Garitee, *Private Navy*, 240.

95. Richard E. Winslow III, *"Wealth and Honour": Portsmouth during the Golden Age of Privateering, 1775–1815* (Portsmouth, NH: Portsmouth Marine Society, 1988), 149.

96. *Charleston City Gazette*, 4 June 1813, reprinted from the *Salem Gazette*, 8 May 1813.

97. Affadavit of William K. Reynolds, 1 Apr. 1814, RG 8, IV, vol. 105, *Falun*, LAC.

98. Based on data gleaned from letters of marque, monthly reports by the New York customs collector in RG 45 E575, vols. 1–6, NARA, and a variety of other sources.

99. I have noted 176 New York owners and part owners and bondsmen as well as a few Baltimore privateer investors who purchased shares in New York syndicates.

100. An Act Concerning Letters of Marque, Prizes and Prize Goods, also *Instructions to Privateers*, both carried aboard the privateer *Argus*, captured by HMS *Indian*, 17 July 1812, RG 8, IV, vol. 120, *Argus*. One of the rare female owners was Madame Florrye Charreton, a wealthy French widow living in New York by 1812. The first privateer she co-owned, *Marengo*, was commissioned in New York on 10 July 1812 but outfitted in France. The captain was John Ordronaux, Mme. Charreton's protégé and eventual son-in-law. Her second venture, the *Fox*, was commissioned in November 1812. Ordronaux finally made enough money to buy his own privateer, the *Prince of Neufchatel*. His request for a letter of marque dated 28 October 1813 lists the estate of Florrye Charreton as co-owner of the privateer.

101. These figures are from a database of prizes captured by American letter-of-marque vessels which I have created based on information from Niles's *Weekly Register*, American Supreme Court appeal records, state archives, the *London Gazette*, *Lloyd's List*, files from the Halifax Court of Vice-Admiralty, assorted privateer logs, and numerous other newspapers, articles, and books.

102. C. S. Forester, *The Naval War of 1812* (London: Michael Joseph, 1957), 92.

103. George C. Vaughan, *1812: The Navy's War* (New York, NY: Basic, 2011), 243.

104. Huntsberry and Huntsberry, *Maryland Privateers*, 24.

105. *NR* 7, no. 157 (10 Sept. 1814): 15. *Harpy*'s prize was the mail packet *Princess Elizabeth*, carrying $10,000 in specie, as well as the second officer of an unidentified 74-gun Royal Navy ship of the line, an aide to a British general, and a Turkish ambassador to England, all of whom could be immediately exchanged for American prisoners of war of equal value. *Harpy* also relieved the packet of five pipes of wine and four guns, threw the rest overboard, and ransomed the vessel for $2,000 before releasing her.

106. George Miller, "Ceramics from the 1813 Prize Brig *Ann* Auctioned in Salem, Massachusetts: An Analysis," in Robert Hunter, ed., *Ceramics in America 2012* (Lebanon, NH: University Press of New England, 2012), 98–110.

107. According to the *National Intelligencer*, 9 Sept. 1813, when the privateer arrived at Beaufort, her hold was so full of English bale goods that Capt. Otway Burns and his crew had to sleep on the deck, and each crew member earned $3,000 for his work.

108. Arthur, *How Britain Won*, 201. For casualties, Arthur quotes Hickey, *The War of 1812*, 303, and *British Parliamentary Papers*, 9:490, no. 6, from the British Library.

109. *Salem Gazette*, 2 Aug. 1814, 3.

110. Prices for flour and other commodities are mentioned in a letter from Jose Olivera, a Madeira merchant, to Richard J. Tucker, of New York, dated 28 Apr. 1813, RG 8, IV, vol. 84, *Flor de Tejo*, LAC. Proof that the blockade was working, the *Flor de Tejo* was a Portuguese brig captured 31 July 1813 by HMS *Manly* and sent to Halifax.

111. Kert, *Prize and Prejudice*, 139.

112. E. S. Maclay, *A History of American Privateers* (New York: Appleton, 1899), xv; *NR* 5, no. 107 (18 Sept. 1813), and *NR* 5, no. 124 (15 Jan. 1814).

113. Maclay, *A History*, xv; and *NR* 5, no. 107 (18 Sept. 1813), 46, and *NR* 5, no. 124 (15 Jan. 1814), 336.

114. Andrew Lambert, "Sideshow? British Grand Strategy and the War of 1812," in Tim Voelcker, ed., *Broke of the Shannon and the War of 1812* (Barnsley, UK: Seaforth, 2013), 34.

115. Donald R. Hickey, *187 Things You Should Know About the War of 1812* (Baltimore: Maryland Historical Society, 2012), 136.

116. Lambert, *The Challenge*, 393–95.

117. Lambert, "Sideshow?," 34.

118. "Biographical Notes of Nathaniel Silsbee," *Essex Institute Historical Collections* 35, no. 1 (Jan. 1899): 31. Nathaniel Silsbee lived from 1773 to 1850.

119. Frederick C. Leiner, "Privateers and Profit in the War of 1812," *Journal of Military History* 77, no. 4 (Oct. 2013): 1231.

CHAPTER 4: The Misfortunes of War

1. They were the *Liverpool Packet* of Nova Scotia and the *General Smyth* of New Brunswick, mentioned elsewhere.

2. *NSG&PL*, 18 Sept. 1812; RG 8, IV, vol. 73, *Middlesex*, and 74, *Factor*, LAC. C. H. J. Snider, *Under the Red Jack: Privateers of the Maritime Provinces of Canada in the War of 1812* (Toronto, ON: Musson, 1927), 225. Snider suggests *Nonsuch* was a possible "*nomme de guerre*," disguising the *Liverpool Packet*'s dubious early commission.

3. Two provincial privateers accounted for twenty-five prizes, while roughly two dozen Royal Navy vessels, ranging in size from frigates to ships' tenders, sent in the rest in 1812. Information regarding prizes sent into Halifax, Nova Scotia, is found in files at LAC, Ottawa, RG 8, IV, Vice-Admiralty Court, Halifax, 1784–1818, vols. 73–150, Prize Court Records.

4. *NSG&PL*, 14 Aug. 1812.

5. Collection of documents, RG 45, E575, vols. 1–6, NARA.

6. *Washington (DC) National Intelligencer*, 8 July 1812, 3, story reprinted from the *New York Chronicle*. Also see William Dinsmore Chapple, "Salem and the War of 1812," *Historical Collections of the Essex Institute* 59, no. 4 (Oct. 1923): 303.

7. Michael Rutstein, *The Privateering Stroke: Salem's Privateers in the War of 1812* (Salem, MA: Self-published, 2012), 262.

8. George Coggeshall, *A History of the American Privateers* (1861; reprint, London, UK: Lenaur, 2009), 41.

9. *Portland (ME) Eastern Argus*, 23 July 1812. *Rapid* was one of four privateers by that name but the only one from Portland.

10. *Columbian Centinel* (Boston), 7 Nov. 1812.

11. *Connecticut Gazette*, 13 Oct. 1812 (found in collection of the New London Historical Society). *Mars* was the most successful of the six letter-of-marque vessels of that name.

12. Information on *Mars* has been compiled from a variety of sources, including NARA, the U.S. District Court Archives in Pennsylvania, and assorted newspapers and secondary sources.

13. *NR*, 4, no. 80 (13 Mar. 1813): 31.

14. Dateline New York, 20 Mar. 1813, *RG&NBA*, 5 Apr. 1813, 3.

15. Timothy S. Good, ed., *American Privateers in the War of 1812: The Vessels and Their Prizes as Recorded in Niles' Weekly Register* (Jefferson, NC: McFarland Press, 2012), 87.

16. John Greenleaf Whittier, *The Dead Ship of Harpswell*, 1866.

17. Owned by Hollins and McBlair and other Baltimore investors, the original *Rolla* was seized off Long Island by HMS *Loire* in December 1813. Condemned by the vice-admiralty court in Halifax, she was purchased by Enos Collins, Joseph Allison, and a consortium of investors who owned several successful privateers, including the *Liverpool Packet*. Her first letter of marque was issued 11 June 1814, with John Freeman, son of part-owner Joseph Freeman, as captain. Snider, *Under the Red Jack*, 245.

18. *NBRG*, 30 Nov. 1813, 3. The only man lost was Jeremiah Prescott.

19. William Crane and John Phillips Cranwell, *Men of Marque* (New York: W. Norton, 1940), 272–75.

20. Log entry for 29 Nov. 1814, "An Account of the Private Armed Ship 'America' of Salem" (Capt. Benjamin B. Crowninshield), *Historical Collections of the Essex Institute* 37 (1901): 1–48.

21. *Salem (MA) Gazette*, 13 May 1814.

22. John A. McManemin, *Captains of the Privateers of the War of 1812* (Spring Lake, NJ: Ho-Ho-Kus, 1994), 32.

23. Good, *American Privateers*, 31, information reprinted from *NR*, 2, no. 51 (22 Aug. 1812).

24. *Portland (ME) Gazette*, 17 Aug. 1812.

25. *Boston Weekly Messenger*, 23 Oct. 1812.

26. Coggeshall, *A History*, 328.

27. McManemin, *Captains*, 294, citing the *Baltimore Patriot*, 16 Aug. 1814.

28. Log of *Young Wasp*, 6 Jan. 1815, USDCPA, RG 21, roll 2, doc. 1014, NARA, Philadelphia.

29. Log of schooner *Perry* of Baltimore (Capt. John Coleman), 9 April 1814 (cruise 5 Apr. to 28 June 1814), book of logs of Baltimore privateers, collected and transcribed by John Phillips Cranwell, MDHS.

30. Log of sloop *Lilly* (Capt. John Chatty) of Portland, ME, 25 Nov. 1812, box 1, bMS Am1087 (1), Privateering log books and journals: Nov. 9–Dec 3, 1812, Houghton Library, Harvard University.

31. *Baltimore American*, 24 Apr. 1813, reprinted from the log of the *Dolphin*, 18 Mar. to 7 Apr. 1813.

32. "Extract of a letter from Capt. D. Gray, of the Letter-of-Marque schooner *Siro*, which sailed from Portland several days since, dated At Sea, lat. 43, 22, lon. 67, 21, August 1st," *Boston Gazette*, 9 Aug. 1813. Thomas Bailey, John Hart, Peter Ridley, and Peter Sherry were most seriously injured, with Thomas Robinson and Martin Tubbs less so.

33. *Essequebo & Demerary (Guiana) Royal Gazette* 7, no. 519 (17 Oct. 1812).

34. Crowninshield, log entry for 6 Dec. 1814, "An Account of the Private Armed Ship 'America,'" 15.

35. Log of schooner *Bona*, 5 Nov. 1812, transcribed by Cranwell (*Bona*, 29 Sept.–20 Dec. 1812), MDHS.

36. Coggeshall, *A History*, 53.

37. *New Bedford Mercury*, 17 July 1812.

38. George A. Nelson, "The First Cruise of the Privateer *Harpy*," *American Neptune* 1, no. 2 (April 1941): 117.

39. Harold Mouzon, "The Unlucky *General Armstrong*," *American Neptune* 15, no. 2 (April 1955): 61. *NG&PL*, 1 May 13. This ship is not the famous *General Armstrong* of

New York which was destroyed by British naval forces in the Azores in August 1814 after a heroic defense.

40. Lawrence Waters Jenkins, "The Private-armed Brig "Grand Turk" of Salem" (Salem, MA: Asiatic National Bank of Salem), Asiatic National Bank Collection, MS and Archives Div., Rm. 324, New York Public Library.

41. Benjamin Waterhouse, ed., *A Journal, of a Young Man of Massachusetts* (Boston, MA: Rowe and Hooper, 1816), 209.

42. Joshua Barney had been a privateer captain during the Revolution and later served with the French navy in the West Indies, receiving the honorific title of commodore. He was captain of the privateer *Rossie* during the War of 1812 before taking over command of the U.S. Navy's flotilla in the Chesapeake. Although he identified himself as Commodore Barney, he was actually a master commandant by rank until his service in the Chesapeake earned him the rank of captain in October 1814.

43. *Georgia Journal* (Milledgeville), 22 Sept. 1813, 2, reprinted from the *Richmond (VA) Argus*, 6 Sept. 1813. This story does not appear in Garitee's book on Baltimore privateering and may be apocryphal, but it is the only mention of a duel involving privateers I have found. Dueling had not yet been outlawed in 1813, but it was certainly not socially acceptable and might have been kept quiet for that reason. Dueling was more common in the South, which might account for the Richmond location.

44. Crowninshield, "An Account of the Private Armed Ship 'America,'" 15.

45. Log of the schooner *Bona*, 20 July–9 Sept. 1812 and [ii] 29 Sept.–20 Nov. 1812, transcribed by Cranwell, MDHS.

46. Journal of Capt. John Harris, Sloop *Dart* Privateer, St. John, NB, May 22, 1813, 17 June 1813, William Inglis Morse Collection, Dalhousie University, Halifax, NS.

47. Log of the schooner *Nonsuch*, 14 Aug. 1812 (log of cruise 3 July–9 Nov. 1812), transcribed by Cranwell, MDHS.

48. *Portland (ME) Gazette* (dateline Tuesday, 26 Aug.), 6 Sept. 1813.

49. *Portland (ME) Gazette* (dateline Monday, 11 Oct.), 18 Oct. 1813.

50. Benson J. Lossing, *Lossing's Pictorial Fieldbook of the War of 1812* (New York: Harper & Brothers, 1868), 1000. Available at http://freepages.history.rootsweb.ancestry.com/~wcarr1/Lossing2/Contents.html. In return for his gallant conduct in saving his vessel, on 14 April 1813, Champlin's stockholders presented him with a sword and a vote of thanks to his companions.

51. C. J. H. Snider, *The "Glorious Shannon's" Old Blue Duster and other Faded Flags of Fadeless Fame* (Toronto, ON: McLelland & Stewart, 1923), 398. Excerpts from Boyle's log are reprinted in the *Maryland Historical Magazine* 1, no 4 (1906): 168; 1, no. 3 (1906): 232. See also *NR* 8, no. 18 (15 April 1815): 111, which states that six to fifteen British were killed and seventeen to nineteen wounded but only five died aboard the privateer. Of the seven privateersmen wounded, Thomas Davis, Aquilla Weaver, Peter (unclear), and Yankey Sheppard would be maimed for life.

52. Log of the sloop *Dart*, Oct. 1813, MS.6.17 (NSARM mfm #14006), NSA; Log of the sloop *Dart*, 22 May – 30 June 1813, William Inglis Morse Collection, Dalhousie University Archives and Special Collections, Halifax, NS.

53. Crane and Cranwell, *Men of Marque*, 98.

54. RG 8 IV, no. 302, vol. 133, *Manchester* packet, LAC; *LL*, no. 4786 (13 July 1813); *NR* 5, no. 113 (30 Oct. 1813): 152; *LL*, no. 4823 (19 Nov. 1813) (*Morgiana* packet).

55. Wilfred Harold Munro, "The Most Successful American Privateer," *Proceedings of the American Antiquarian Society*, Apr. 1913 (Worcester, MA), reprinted Nov. 2009, available at www.americanantiquarian.org/proceedings.htm. Articles of Agreement between the Owners, Officers AND Company of the Private armed Vessel of War, *Yankee*. 6th. "That whoever first spies a prize or sail, that proves worth 100 dollars a share, shall receive Fifty Dollars from the gross sum; and if orders are given for boarding, the first man on the deck of the Enemy shall receive Half a share to be deducted from the gross sum of prize-money" (quoted in Munro).

56. *Missouri Gazette*, 10 July 1813.

57. Howard I. Chapelle, *The History of American Sailing Ships* (1967; reprint, New York: Bonanza, 1982), 190.

58. Log, sloop *Dart*, Remarks, Friday, 28 May 1813.

59. *New Bedford (MA) Mercury* 6, no. 26 (22 Jan. 1813): 2.

60. James H. Ellis, *A Ruinous and Unhappy War: New England and the War of 1812* (New York: Algora, 2009), 88. Ellis refused to tell Burbank the name of his ship, so he ordered the bow gun fired ahead of the *Hull*, but three guns were fired accidentally.

61. Woodsworth & Co.'s Journal, 13 July 1813, Ganong Scrapbook, #5, 201, New Brunswick Museum.

62. Jeduthan Upton Jr. was a member of a Salem seafaring family and had been a captain, officer, and investor in several privateers. He was captured by HMS *Phoebe* in January 1813 while serving as first lieutenant aboard the *Polly* and held as a prisoner of war until exchanged in July. It is likely that he had to give his parole not to return to privateering and was, thus, working on the American cartel ship *Analostan*. Richard E. Winslow III, *"Wealth and Honour": Portsmouth During the Golden Age of Privateering, 1775–1815* (Portsmouth, NH: Portsmouth Marine Society, 1988), 209.

63. *Boston Repertory*, 27 Nov. 1813; *New Brunswick City Gazette* (dateline Halifax, 26 Sept. 1814), 3 Oct. 1814.

64. Ira Dye, "American Maritime Prisoners of War, 1812–1815," in T. Runyan, ed., *Ships, Seafaring and Society* (Detroit, MI: Wayne State University Press, 1987), 293. The figures are based on an 1818 study that put the pool of American seafarers at the time at 100,000 men and the number of men taken prisoner at 14 percent, allowing for six men per one hundred tons for trading vessels and eight men per one hundred tons in the fishery.

65. *New Bedford Mercury* 6, no. 34 (8 January 1813): 3, reprinted from the *Salem Gazette*.

66. Eric E. Johnson, "Cartels, Hostages and Reprisals, Pt. 1: Prisoner of War Agreements during the War of 1812," *Journal of the War of 1812* 11, no. 3 (Fall 2008): 17. This allowed Madison to make regulations and manage the housing, support, and exchange of British prisoners as well as providing $100,000 in funding for their upkeep. See also Hunter Miller, ed., *Treaties and Other International Acts of the United States of America. Documents 1–40: 1776–1818*, vol. 2 (Washington, DC: Government Printing Office, 1931), http://avalon.law.yale.edu/19th_century/cart1812.asp, by permission of the Avalon Project, Documents in Law, History and Diplomacy, Yale Law School. According to Article 4 of the unsigned agreement of November 1812, "Captains and First and Second Lieutenants of Privateers being of fourteen carriage guns mounted, of four pound shot or more, and all Non-combatants, as before described, if captured on the sea, shall

be admitted to Parole." This point was conspicuously absent from the May 1813 Cartel Agreement.

67. Johnson, "Cartels," 18.

68. Affidavit of Edward Lancaster, 31 May 1813, mate of British brig *Edward* captured by *Alexander* and recaptured by HMS *Rattler* and *Bream*, RG 8, IV, vol. 77, *Alexander*, LAC.

69. *London Times*, 7 Sept. 1814. The article was from a Newport paper dated 13 July 1814, stating that in 113 days, the *Surprise* had cruised the British Channel and Western Islands, the Newfoundland Banks, and Nova Scotia.

70. *London Times*, 11 Sept. 1812, 3. A Boston paper dated 23 July reported, "The port of Halifax is crowded with prizes; yet they are generously treated, for the captors give up all the adventures and baggage; and none but valuable vessels are sent in; coasting vessels not molested as yet," and the *Times* called it "generous warfare."

71. News from Halifax via New York, *NG&PL*, 19 Aug. 1812, 3.

72. *NR* 5, no. 116 (20 Nov. 1813): 200.

73. *NR* 8, no. 19 (22 Apr. 1815): 127, from *Boston Patriot*, 25 Mar. 1815.

74. "Breach of Parole," *Columbian Centinel*, 30 Jan. 1813:

> —"MARSHAL'S NOTICE (United States of America) District of Massachusetts, ss." Whereas on the sixth day of November last past, a certain FRANCIS LEAVITT, aged about 30 years, belonging to St. Johns, in the Province of New Brunswick, and late commander of the Brigantine *James & Charlotte*, captured by the private armed vessel of war the ship *America*, Joseph Ropes, Esq. commander, and brought into the port of Salem, within the District, was admitted by me, (under the authority vested in me by the President of the United States), to remain at large within the town of Boston, in the county of Suffolk, on his engaging upon his honor that he would consider and conduct himself as a maritime Prisoner of War to the United States of America, and (among other things) that he would not depart without the bounds of the said town, without permission of the Marshal of the Massachusetts District, or such officers as might hereafter be authorized for this purpose by the President of the United States, under the pains and penalties attached to a breach of parole.
>
> And whereas the said FRANCIS LEAVITT, in contempt of this solemn obligation, and in violation of those sacred ties which have a tendency to soften the rigors of captivity, has absconded and quitted the territory of the United States, I do therefore hereby make known to all the officers of the Naval and Land Forces, to the Marshals of these several Districts, to the commanders of private armed vessels and to the citizens at large, this dishonorable conduct of the said FRANCIS LEAVITT, to the end that in the event of his being again within the territories of the United States, he may be arrested and receive that treatment which is justly due to a man who has been guilty of such dishonorable conduct.
>
> Given under my hand at Boston, this twenty-seventh day of January, A.D. 1813, and in the 37th year of the Independence of the U. States of America. JAMES PRINCE, Marshal.

75. *NBRG*, 13 July 1813, 3. The *New Hampshire Gazette*, 19 July 1814, reported his escape in July 1814 and offered a $50 reward for Barss, described as five feet, ten inches tall, thick set, with a light complexion and grey eyes.

76. *Bennington Newsletter*, 23 Dec. 1812. The *Sarah Ann* was a 230-ton schooner commissioned in Baltimore at the end of July 1812 and captured 16 September 1812 by HMS *Rhodian* and *Variable* and sent to Jamaica.

77. Ron Joy, former principal officer and historian, Her Majesty's Prison Service, Dartmoor, personal communication, Aug. 2013.

78. *RG&NBA*, 19 Sept. 1814, 2.

79. Dye, "American Maritime Prisoners," 7.

80. Dartmoor Prison entry book, ADM 103/887–91, TNA, London.

81. *Portland Gazette*, 24 Aug. 1812; *Halifax Gazette*, 21 Oct. 1812, 3; Lt. Gov. Sir John Sherbrooke to Lord Bathurst, 6 Nov. 1812 (#61) in Margaret Els, *A Calendar of Official Correspondence and Legislative Papers, Nova Scotia 1802–15* (Halifax, NS: Public Archives of Nova Scotia, 1936), 131.

82. Swaine's prison data from Dartmoor Depot courtesy of Ron Joy. His record entry, no. 2971, includes a handwritten note: "accused of murder of an old man, in a much wanton and cruel manner on a small island to the westward of Halifax called Sheeps Island."

83. American deaths are registered in the Dartmoor Depot Entry Books ADM/103/87. Among those who were not privateers were men from captured U.S. Navy ships like the *President* and *Chesapeake* or impressed men from Royal Navy vessels who refused to fight against their compatriots. Phillip Blasdon (#5838) of New Hampshire was from 4 Regular Rifles, and Rhode Islander Thad Snell (#5842) was from 1 Regular Rifles, while Sheldon Smith (#5847) belonged to the Rhode Island militia. All three died between January and March 1815.

84. Ron Joy, personal communication, 20 Aug. 2013.

85. [Benjamin F. Browne], *The Yarn of a Yankee Privateer*, ed. Nathaniel Hawthorne (New York: Funk & Wagnalls, 1926), 4, 21.

86. Rutstein, *Stroke*, 145.

87. Snider, *The "Glorious Shannon's" Old Blue Duster*, 389.

88. Extract from *Shadow*'s log, 3 to 4 Aug. 1812, *NR* 3, no. 1 (September 1812): 29–30; *NG&PL*, 28 Aug. 1812, 3.

89. *NBRG*, 27 July 1813, p. 2; *LL*, no. 4772 (25 May 1813).

90. Harold A. Mouzon, *Privateers of Charleston in the War of 1812* (Charleston, SC: Historical Commission of Charleston, 1954), 26; *NR* 5, no. 119 (11 Dec. 1813): 256. *LL*, no. 4841 (28 Jan. 1814).

91. *New London (CT) City Gazette*, 13 Mar. 1813. *NR* 7, no. 164 (29 Oct. 1814): 121. HMS *Endymion*, on the other hand, had thirty-three killed, thirty-seven wounded, including one man hit with twenty-eight musket balls and thirty taken prisoner.

92. Dwight Tanner, "Young Teazer: The Making of a Myth," *Nova Scotia Historical Quarterly* 6, no. 4 (Dec. 1976): 407.

93. Harold Horwood, *Plunder and Pillage: Atlantic Canada's Brutal and Bloodthirsty Pirates and Privateers* (Halifax, NS: Formac, 2011), 168.

94. Coggeshall, *A History*, xlviii. In an appendix to "An Account of the Private Armed Ship 'America' of Salem" (*Historical Collections of the Essex Institute* 37 [1901]), editor Robert S. Rantoul commented that the laws regarding privateers were "few and simple" (52–54, note 5) Captured property had to be duly condemned by an admiralty court and sold at auction. Two percent of the proceeds were to go to the Treasury of the United States, "creating a pension fund of which the Secretary of the Navy is Trustee; and in

respect of pension, and of capture and imprisonment and belligerent rights generally the privateersman is to fare as though he were enlisted in the navy." I have found no record of similar compensation for provincial privateers.

95. Lloyd DeWitt Bockstruck, *Naval Pensioners of the United States, 1800–1851* (Baltimore, MD: Genealogical Pub. Co., 2002.

96. See An Act Concerning Letters of Marque, Prizes and Prize Goods, 26 June 1812, 12th Cong., 1st Sess., chap. 107, pp. 759–64; An Act Regulating Pensions on Board Private Armed Ships, 13 Feb. 1813, 12th Cong., 2nd Sess., chap. 22, pp. 799–800; and An Act to Amend and Explain the Act Regulating the Pensions to Persons on Board Private Armed Ships, 2 Aug. 1813, 13th Cong., 1st Sess., chap. 58, p. 86, in Richard Peters, Esq., ed., *United States Statutes at Large, 1789 to Mar. 3, 1845*, vols. 2 and 3 (Boston, MA: Charles C. Little and James Brown, 1845, 1846).

97. Jerome R. Garitee, *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812* (Middletown, CT: Wesleyan University Press, 1977). Garitee refers to the National Archives Records of the U.S. General Accounting Office, RG 217. These include statements of the accounts of the president of the Branch Bank of the United States at Baltimore, payment to privateer pensioners, in Navy Pension Payment Records, Baltimore, 1816–1849.

98. These figures are based on data gathered from many sources, including Niles's *Register*.

99. Kenneth R. Andrews, ed., *English Privateering Voyages to the West Indies, 1588–1595* (Cambridge: Hakluyt Society, 1959), 30.

100. Thomas V. Huntsberry and Joanne M. Huntsberry, *Maryland Privateers: War of 1812* (Baltimore, MD: J. Mart, 1983), 30.

CHAPTER 5: The Prizewinners

1. "The General Armstrong, a new song," in Samuel Chester Reid, *A collection of sundry publications: and other documents, in relation to the attack made during the late war upon the private armed brig General Armstrong, of New-York, commanded by S. C. Reid, on the night of the 26th of September, 1814, at the island of Fayal, by his Britannic Majesty's ships Plantagenet seventy-four, Rota frigate, and Carnation sloop of war* (New York: J. Grey, 1833), 54. Available at https://archive.org/details/collectionofsundr00newy. Verse 11 of a song composed by officers of the *General Armstrong* after the battle at Fayal, 26 September 1814. Sung to the tune of "Vive-la."

2. Andrew Lambert, *The Challenge: America, Britain and the War of 1812* (Harmondsworth, UK: Faber & Faber, 2012), 209.

3. Francis R. Stark, "The Abolition of Privateering and the Declaration of Paris," *Studies in History, Economics and Public Law* 8, no. 3 (New York, 1897). Signed by most of the major naval powers after the Crimean War, the Declaration of Paris called for the abolition of privateering in 1856 and was eventually signed by forty-five nations with Spain, Mexico, Venezuela, Bolivia, Uruguay, and the United States being the exceptions.

4. In March 1807, the British Parliament passed An Act for the Abolition of the Slave Trade (47 Geo 3, Sess. 1, c. 36). A few weeks earlier, the United States had passed the Act Prohibiting Importation of Slaves (2 Stat. 426), which went into effect in 1808. While pro-

hibiting slave trafficking, neither law forbade the institution of slavery itself. This enabled a slave tender like *Severn* to continue working until caught and stopped.

5. Letter of marque and reprisal for the *Liverpool Packet*, 20 Aug. 1812, RG 1, vols. 173, 174, NSA.

6. Sherbrook to Bathurst, 6 Feb. 1813, CO 217/9, Colonial Office records on microfilm, LAC.

7. Harold Horwood, *Plunder and Pillage: Atlantic Canada's Brutal and Bloodthirsty Pirates and Privateers* (Halifax, NS: Formac, 2011), 163.

8. RG 8, IV, vol. 122, *Factor*, and vol. 74, *Middlesex*, LAC.

9. *Portland Gazette*, 16 Nov. 1812.

10. William Dinsmore Chapple, "Salem and the War of 1812," *Historical Collections of the Essex Institute* 59, no. 4 (Oct. 1923): 289–304; and 60, no. 1 (Jan. 1924): 54. Also William Leavitt, "Private Armed Vessels Belonging to Salem During the War of 1812," *Historical Collections of the Essex Institute* 2 (1860): 57–64; and Michael Rutstein, *The Privateering Stroke: Salem's Privateers in the War of 1812* (Self-published, 2012), 151–52.

11. C. H. J. Snider, *Under the Red Jack* (Toronto, ON: Musson, 1927), 227. Not completed for another century, Snider suggests the project would have been paid for in savings from the losses the *Liverpool Packet* inflicted on American commerce in just two cruises.

12. Sale of cargo, 9 Dec. 1812, RG 8, IV, vol. 76, *Union*, and sale of cargo, 30 Dec. 1812, RG8, IV, vol. 74, *Lucretia*, LAC.

13. King's Warrant for *Liverpool Packet* prizes, 3 June 1814, RG 8, IV, vol. 128, no. 1–5, LAC. The equivalent value in U.S. dollars for £27,000 was roughly four times, or $110,000.

14. *Boston Messenger*, 1 Jan. 1813. Newspapers of the era typically either over- or underreported the size, armament, crew, and value of prizes to suit their story. The sixty-seven-ton *Liverpool Packet* was nearly twice the size reported and her eight or nine prizes likely worth half as much.

15. *NR* 5, no. 108 (25 Sept. 1813): 63.

16. Enos Collins and Joseph Allison to Lieutenant Governor Sherbrooke, 14 July 1813, RG 1, vol. 226, no. 88, NSA. Although the officers and crew of the *Liverpool Packet* had returned to Halifax, Barss remained in close confinement, ostensibly in retaliation for the poor treatment of Capt. William Nichols of the Massachusetts privateer *Decatur* in Britain. Collins and Allison asked the lieutenant governor to take whatever steps were necessary to return Captain Barss to his friends and family in Liverpool. Banned from returning to privateering or even to sea, Barss eventually took up farming and died in 1824 at age forty-nine.

17. Richard E. Winslow III, *"Wealth and Honour": Portsmouth During the Golden Age of Privateering, 1775–1815* (Portsmouth, NH: Portsmouth Marine Society, 1988), 168.

18. The original *Teazer* was owned by Samuel Adams and Abraham Riker of New York. Under Capt. Frederick Johnson and First Lt. William Dobson, the privateer was taken and burned by HMS *San Domingo* in January 1813. In May, Riker had a new privateer, the *Young Teazer* (once more under Dobson and Johnson), whose fiery fate is discussed later in this chapter. *Young Teazer's Ghost* was either a memorial or an attempt by her Portsmouth owners to avenge the loss.

19. *Dictionary of Canadian Biography*, vol. 9 (1861–1870) (Toronto, ON: University

of Toronto Press, 1976), 710. In addition to conducting his import and export business, Seely served as a judge of the inferior court of common pleas until his death in 1869.

20. *Columbian Centinel*, 5 May 1813.

21. RG8, IV, vols. 73–150, LAC. The vice-admiralty court case files list forty-eight prizes adjudicated.

22. *Dictionary of Canadian Biography*, vols. 8 (Barss), 9 (Seely), and 10 (Collins). Peggy Anderson, "Enos Collins, 1774–1871," *Canadian Antiques and Art Review* 3 (1981): 32.

23. Kenneth Scott, "The Privateer *Yankee* in the War of 1812," *American Neptune* 21 (1961): 16. DeWolf also owned the privateer *Blockade* (15 guns) that brought in four prizes, the 300-ton *MacDonough* (18 guns, 1 prize), and shares in *Rambler* (12 guns, no prizes). The *Charleston City Gazette* of 8 June 1813 reported DeWolf had a thirty-two-gun vessel on the stocks, but it may not have been commissioned as a privateer.

24. John A. McManemin, *Captains of the Privateers of the War of 1812* (Spring Lake, NJ: Ho-Ho-Kus, 1994), 399.

25. James Brown Scott, *Prize Cases Decided in the United States Supreme Court, 1789–1918, including also cases on the instance side in which questions of Prize Law were involved* (Oxford: Clarendon, 1923), 2:592, 609, 631, 690.

26. *NR* 4, no. 83 (3 Apr. 1813): 86.

27. Kenneth Scott, "Privateer Yankee," 22.

28. Ralph Eastman, *Some Famous Privateers of New England* (Boston, MA: State Street Trust Company, 1928), 71.

29. John C. Fredericksen in David S. Heidler and Jeanne T. Heidler, eds., *Encyclopedia of the War of 1812*, rev ed. (Santa Barbara, CA: ABC-Clio, 2004), 430.

30. Biographical Directory of the United States Congress available at http://en.wikipedia.org/wiki/Biographical_Directory_of_the_United_States_Congress. DeWolf appears to have signed his name DWolf on several documents but is generally referred to as DeWolf.

31. Baltimore's *Comet* was one of five privateer schooners of the same name and the only one to take any prizes. The others were an eighty-three-ton *Comet* from Norfolk that sailed under Capt. Bernard Lafleur and may have been owned in France, a three-ton schooner from Penobscot, another twenty-nine-ton schooner from Norfolk lost in January 1813, and the seventy-four-ton *Comet* from New York.

32. Horwood, *Plunder and Pillage*, 178.

33. James Butler, *American Bravery Displayed, in the Capture of Fourteen Hundred Vessels of War and Commerce, since the Declaration of War by the President* (Carlisle, PA: George Phelps, for the author, 1816), 46. Niles suggests $400,000, which is rather high. *NR* 3, no. 59 (17 Oct. 1812): 110.

34. Alexander Tabarrock, *Daily Reckoning*, posted Dec. 16, 2010, http://dailyreckoning.com/the-rise-fall-and-rise-again-of-privateers/.

35. *NR* 5, no. 129 (19 Feb. 1814): 414, and *LL*, no. 4851 (8 Mar. 1814).

36. Letter from Capt. de Milo, ADM 1/4225/, 27 Apr. 1813, TNA.

37. "Extract from the Log Book of the Private Armed Schooner Comet, from the *Baltimore American*, 23 March 1813" (Second cruise from 25 Nov. 1812 to 17 Mar. 1813), Log entry, 14 Jan. 1813, transcribed by John Phillips Cranwell, MDHS.

38. *LL*, no. 4757 (30 Mar. 1813).

39. *LL*, no. 4771 (18 May 13).

40. Horwood, *Plunder and Pillage*, 165.

41. *Baltimore American*, 6 Apr. 1813.

42. Thomas V. Huntsberry and Joanne M. Huntsberry, *Maryland Privateers War of 1812* (Baltimore, MD: J. Mart, 1983), 53; *LL*, no. 4851 (8 Mar. 1814).

43. Rutstein, *Stroke*, 98–118.

44. See B. B. Crowninshield, "An Account of the Private Armed Ship *America* of Salem," *Historical Collections of the Essex Institute* 37 (1901). The appendix (58–73) by editor Robert S. Rantoul includes the articles of agreement, the muster bill, watch bill, and prize list for thirteen prizes taken on *America*'s last cruise, 24 November 1814 to 8 April 1815.

45. McManemin, *Captains*, 223.

46. Rutstein, *Stroke*, 103, quoting a letter of instruction in the prize case files at NARA, Waltham, MA.

47. Rutstein, *Stroke*, 112.

48. Margaret Pardee Bates, ed., "Some Letters of Mary Boardman Crowninshield," *Historical Collections of the Essex Institute* 83 (Apr. 1947): 119–39.

49. Crowninshield's account suggests earnings of $1.1 million, while Niles estimates $600,000. *NR* 8, no. 18 (15 Apr. 1815): 112. Rutstein (*Stroke*, 118) describes her sad demise, along with a probably apocryphal story about *America*'s Captain Chever meeting a Royal Navy frigate captain in a bar in Valparaiso, Chile, after the war. As they discussed their experiences, the naval captain mentioned nearly capturing the *America* once but losing her when she out-sailed him and escaped by night. When asked if he knew "the beggar" who had been her master, Chever allowed that he was the one who got away, and they exchanged a toast. As Rutstein says, the story may have a basis in fact but has likely been "much embellished." Nonetheless, the persistence of the story is an indication of *America*'s grip on the popular imagination of the period.

50. Timothy S. Good, ed., *American Privateers in the War of 1812: The Vessels and Their Prizes as Recorded in Niles' Weekly Register* (Jefferson, NC: McFarland, 2012), 87, report from Kingston, Jamaica, 2 Nov. 1814.

51. *Raleigh Register*, 28 Aug. 1812.

52. Good, *American Privateers*, 22 Aug. 1812, 85.

53. Louis P. Jervey, "Thomas Hall Jervey, Man of God and the Sea," *South Carolina Historical Magazine* 96, no. 2 (Apr. 1995): 135–52, available at www.jstor.org.

54. *London Times*, 24 Mar. 1813, reprinted in *NR* 4, no. 83 (3 Apr. 1813): 86.

55. Diane Williams, *The Privateer: John P. Chazal and the Saucy Jack*, paper given at War of 1812 Symposium, Baltimore, MD, 2009. Williams is a Chazal descendant.

56. McManemin, *Captains*, 18.

57. *http://en.wikipedia.org/wiki/HMS_Persian* (1809). The crew of the *Persian* managed to escape without loss of life. A court martial cleared Captain Bertram, and he was subsequently promoted but never sailed again.

58. Letter dated 18 September 1813 from Commodore Hugh Campbell to Secretary of the Navy Jones describing the damage from the hurricane. William S. Dudley and Michael Crawford, eds., *The Naval War of 1812, A Documentary History*, vol. 2 (Washington, DC: Naval Historical Center, 1992), 230.

59. This was a different *Sir John Sherbrooke* from the Nova Scotia privateer. According to her register, she was the former *New Orleans Packet* before the war, captured 25

August 1811 by HMS *Guerriere* and purchased by New Brunswick interests in anticipation of the war. *Saucy Jack* vs. *Sir John Sherbrooke*, Certificate of British Plantation Registry, U.S. District Court, Savannah, Mixed Cases 1790–1860, RG 21, NARA, Atlanta, GA.

60. Faye Kert, *Trimming Yankee Sails: Pirates and Privateers of New Brunswick* (Fredericton, NB: University of New Brunswick, 2007), 44. After the loss of his ship, nothing was heard from Robson until a letter dated 12 December arrived from Jamaica, explaining his injuries and his lengthy recuperation. Robson ended his letter with an apology for being unable to save the ship.

61. *NR* 5, no. 122 (1 Jan. 1814): 308.

62. Brown, Supreme Court Cases, vol. 3, 880, and USDCGA, Savannah, Mixed Cases, 1790–1860, RG 21, folders 9–11.

63. Good, *American Privateers*, 86.

64. *Boston Gazette*, 4 Aug. 1812.

65. *Georgia Journal* (Milledgeville), 6, no. 7 (7 Dec. 1814): 2.

66. McManemin, *Captains*, 32.

67. Diane Williams, personal communication, 2012.

68. At least five vessels were named *Yankee*, plus *Yankee Hope*, *Yankee Lass*, *Yankee Porter*, and another *True Blooded Yankee* that was an open boat from New London, Connecticut.

69. British Home Office documents cited in the file of the True Blooded Yankee, HO/47/52, part 3, 131–33, available at www.1812privateers.org/United%20States/True BloodedYankee/index.htm. See also Jon Latimer, *1812 War with America* (Cambridge, MA: Belknap Press of Harvard University Press, 2007), 242.

70. The Web site www.1812privateers.org includes petitions and letters regarding Wiltshire's case from British Home Office files, HO/47/52, part 3.

71. *Salem Gazette*, 10 Sept. 1813.

72. *NR* 4, no. 85 (17 Apr. 1813): 120.

73. Letter from Charles Roden, Aug. 1815, included in case file of "Abraham Lawrence (*True Blooded Yankee*) v. *Aurora* (1816)," case no. 11, U.S. District Court New York, microfilm no. M928, RG 21, NARA, New York.

74. Petition of Thomas Oxnard of Portland, ME, at Suffolk, Boston, 22 Aug. 1815, before William Ferguson, Justice of the Peace, microfilm M928, reel 3, Maine Historical Society.

75. Latimer, *1812 War with America*, 242.

76. George Henry Preble, *Genealogical Sketch of the First Three Generations of Prebles in America*, facsimile of 1868 ed. (Charlestown, MA: Harvard College Library, 2003), 145. Thomas Oxnard was the son of Martha Preble, Henry's sister, and Thomas Oxnard. His brother Edward Oxnard was lost at sea in 1815 aboard the privateer *Dash* of Portland. See also https://archive.org/details/genealogicalsket00preb.

77. *NR* 6, no. 134 (26 Mar. 1814): 712.

78. *LL*, no. 4835 (7 Jan. 1814).

79. Letter to Thomas Jefferson from Henry Preble, 23 Oct. 1801, requesting post as consul, found at http://founders.archives.gov/documents/Jefferson/01–35–02–0407. Jefferson apparently endorsed Preble as a consul at Marseilles, Nantes or Cadiz.

80. Preble, *Genealogical Sketch*, 265–69, 287. After asking Jefferson for a consular

appointment in 1801, Preble regularly enquired when vacancies came up. See http://founders.archives.gov/documents/Madison/02-09-02-0086.

81. Jerome R. Garitee, *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812* (Middletown, CT: Wesleyan University Press, 1977), 163.

82. *London Times*, 7 Sept. 1814, 2.

83. Letter to the editor of the *Boston Patriot* from Frankfort, Maine, 21 May 1814.

84. *NR* 7, no. 64 (29 October 1814): 120.

85. *Nova Scotia Gazette*, 21 Sept. 1814.

86. Garitee, *The Republic's Private Navy*, 105.

87. U.S. District Court, New York, Case 103, *Surprise* (Lemuel Taylor) v. *Star*. Appeal by Captain Turnbull (Supreme Court, v. 3, 973), University of Michigan, http://babel.hathitrust.org. See also *LL*, no. 4935 (3 Jan. 1815), capture of eleven vessels by *Surprise*, and no. 4959 (31 Mar. 1815), Capture of *Star*.

88. Garitee, *The Republic's Private Navy*, 180.

89. *Delaware Gazette & Peninsula Advertiser*, 11 Apr. 1815.

90. Garitee, *The Republic's Private Navy*, 180.

91. Winslow, *Wealth and Honour*, 151. Four private armed vessels were named *Fox*. The Philadelphia *Fox* was a 206-ton brig, while the *Fox*es of Baltimore and New York were 143-ton and 167-ton schooners, respectively. The Baltimore *Fox* took at least seven prizes, but the other two did not capture anything.

92. James M. Denham and Keith L. Huneycutt, eds., *Echoes from a Distant Frontier: The Brown Sisters' Correspondence from Antebellum Florida By Corinna Brown Aldrich, Ellen Brown Anderson* (Columbia: University of South Carolina Press, 2004), xix.

93. Winslow, *Wealth and Honour*, 152.

94. Winslow, *Wealth and Honour*, 158.

95. Rutstein, *Stroke*, 60.

96. Winslow, *Wealth and Honour*, 160.

97. Winslow, *Wealth and Honour*, 163.

98. *NR* 5, no. 102 (14 Aug. 1813): 392.

99. *Newburyport Herald*, 7 June 1814.

100. Winslow, *Wealth and Honour*, 185.

101. Winslow, *Wealth and Honour*, 195. At 208 tons, *Fox* was almost half the size of her prize.

102. William Flagg Papers (MS048), Manuscript Collections, Portsmouth Athenaeum, available at www.portsmouthathenaeum.org/findingaids/ms048.htm.

103. Denham and Huneycutt, *Echoes*, xix.

104. Winslow, *Wealth and Honour*, 244.

105. Winslow, *Wealth and Honour*, 1.

106. Letter of Marque for *Retaliation*, 3 Feb. 1813, RG 1, vol. 250, NSA.

107. Examination of John Sinclair, master, 8 Dec. 1812, RG 8, IV, vol. 75, *Revenge*, LAC. See also Rutstein, *Stroke*, 138–42.

108. Horwood, *Plunder and Pillage*, 175; Mullins, *Liverpool*, 26–29.

109. *Acadian Recorder*, 15 May 1813, 3.

110. Petition to Sir John Coape Sherbrooke for letter of marque for *Retaliation* by

Gurdon DeWolf, Snow Parker, and Thomas Freeman, 20 Dec. 1813, RG 1, vol. 226, doc. 118, NSA.

111. Examination of Aseph Taylor, 5 Mar. 1814, RG 8, IV, vol. 105, *Falun*, LAC.

112. James H. Ellis, *A Ruinous and Unhappy War: New England and the War of 1812* (New York: Algora, 2009): 227; capture of the privateer *Retaliation*, available at http://freepages.folklore.rootsweb.ancestry.com/~pahlow/wjenkins1.htm; Charles Francis Swift, *Cape Cod, the right arm of Massachusetts* (Yarmouth, 1897), available at https://archive.org/details/capecodrightarm01897swif.

113. Mullins, *Liverpool*, 34–35, 176. According to the Ellenwood genealogy website, his widow later remarried, left his children in Nova Scotia with their grandfather, and moved to the United States with her new husband; see http://westinnewengland.blogspot.com/2007/06/bedtime-genealogy-14-benjamin-ellenwood.html.

114. *Columbian Centinel*, 1 May 1813, reprinted from a Portland paper, 26 Apr. 1813.

115. *NSRG*, 5 May 1813, 2, reprinted report from Liverpool, 22 Apr.

116. Janet E. Mullins, *Some Liverpool Chronicles* (Liverpool, NS: Lancelot Press, 1980), 33.

117. Mullins, *Liverpool*, 31.

118. *NSRG*, 28 July 1813, 2.

119. List of Accounts of Abial Burges, RG 8, IV, vol. 79, *Carline*, LAC.

120. C. J. H. Snider, *The "Glorious Shannon's" Old Blue Duster and other Faded Flags of Fadeless Fame* (Toronto, ON: McLelland & Stewart, 1923), 3.

121. *London Gazette*, 16 May 1815, 923. HMS *Telegraph* was the former New York letter-of-marque schooner *Vengeance*, captured by HMS *Phoebe* in January 1813 and converted to a British sloop-of-war.

122. Reid and the *General Armstrong* of New York should be distinguished from the *General Armstrong* from Charleston mentioned in chapter 4.

123. Reid, *A collection of sundry publications*, 34. Among the publications collected is a report of a U.S. naval committee established to determine reparations for the loss of the *General Armstrong* from the British.

124. Snider, *Red Jack*, 112.

125. *NR* 3, no. 68, 19 Dec. 1812, 256.

126. McManemin, *Captains*, 324; E. S. Maclay, *A History of American Privateers* (New York: D. Appleton, 1899), 487.

127. Benson John Lossing, *Lossing's Pictorial Field-Book of the War of 1812* (New York, NY; Harper & Brothers, 1868), available at www.archive.org/details/fieldbookswar181200lossrich.

128. Protest by Capt. Samuel Reid, dated 27 Sept. 1814. Documents given to NARA, Washington, DC, by the great-granddaughter of Samuel Reid.

129. Geo. W. Emery, Vice Admiral, U.S.N. Retd, *In Their Own Words: The Navy Fights the War of 1812: Selected Documents from a Sailor's Collection* (Washington, DC: Naval Historical Foundation, 2013), 66. This issue is still being debated, but it seems less likely that the *General Armstrong* played such a pivotal role in the American victory at New Orleans.

130. Reid, *A collection of sundry publications*, 52.

131. *Georgia Journal* 6, no 8 (14 Dec. 1814).

132. *New York Times*, 5 Nov. 1855.

133. *Weekly Wisconsin*, 7 May 1898.

134. Letter from Gov. Isaac Shelby, dated 8 May 1815, from Frankfort, Kentucky, in Reid, *A collection of sundry publications*, 42.

CONCLUSION: The Final Tally

1. Gary M. Anderson and Adam Gifford Jr., "Privateering and the Private Production of Naval Power," *Cato Journal* 11, no. 1 (Spring/Summer 1991): 113.

2. George A. Nelson, "The First Cruise of the Privateer *Harpy*," *American Neptune* 1, no. 2 (Apr. 1941): 116–22.

3. A slightly later study by E. S. Maclay in 1899 raised the value of the average prize to $30,000 and compared $6.6 million worth of U.S. naval prizes to approximately $39 million taken by privateers. E. S. Maclay, *Washington's Wolfpack: The Navy Before There Was a Navy* (1899; reprint, Tucson, AZ: Fireship Press, 2008), iv.

4. George Coggeshall, *A History of The American Privateers* (New York: G. Coggeshall, 1861; reprint, London: Leonaur, 2009), 394.

5. Caleb Crain, "Unfortunate Events: What was the War of 1812 Even About?" *New Yorker*, 22 Oct. 2012, 77–80.

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Essay on Sources

INTRODUCTION: "A Ruinous and Unnecessary War"

For many years, the War of 1812 was regarded as what Donald R. Hickey described as "a forgotten conflict" in his book by that name (Urbana, IL, 1989). Still one of the best resources on the war, Hickey's book along with others have been enhanced and expanded by new publications commemorating the 2012 bicentennial. Two centuries of hindsight have produced a more nuanced analysis of the war, strategically, economically, politically, and socially.

Longstanding myths about the popularity of the war, American victory, and relatively few casualties are countered by recent works by British, Canadian, and American historians presenting a more balanced account of events. Offering the British perspective are Brian Arthur's economic study, *How Britain Won the War of 1812: The Royal Navy's Blockades of the United States, 1812–1815* (Woodbridge, Suffolk, 2011), and Andrew Lambert's meticulous analysis of the Royal Navy's contribution in *The Challenge: America, Britain, and the War of 1812* (Harmondsworth, UK, 2012). Keith Mercer addresses one of the main causes of the war, British impressment, in "Northern Exposure: Resistance to Naval Impressment in British North America, 1775–1815," *Canadian Historical Review* 91, no. 2 (June 2010). The American naval point of view is represented by Stephen Budiansky, *Perilous Fight: America's Intrepid War with Britain on the High Seas, 1812–1815* (New York, 2010); J. C. A. Stagg, *The War of 1812: Conflict for a Continent* (Cambridge, UK, 2012); and Kevin McCranie, *Utmost Gallantry: The U.S. and Royal Navies at Sea in the War of 1812* (Annapolis, MD, 2011). Veteran social historians such as Alan Taylor and Paul Gilje have examined the effect of the war on civilian society in, respectively, *The Civil War of 1812: American Citizens, British Subjects, Irish Rebels, and Indian Allies* (New York, 2010) and *"Free Trade and Sailors' Rights": The Origins, Rhetoric, and Memory of the War of 1812* (Cambridge, 2013). Thanks to these and a number of regional studies, there has been renewed interest in naval and maritime aspects of the conflict, including privateering.

Only a couple of authors, however, have specifically addressed the issue of privateering. Michael Rutstein's *The Privateering Stroke: Salem's Privateers in the War of 1812* (Salem, 2012) and Frederick C. Leiner's articles "'The Sport of Arbitrary Men': The Privateer Nonsuch and a Search at Sea in the War of 1812" and "Privateers and Profit in the War of 1812," published in the *Journal of Military History* 76 (October 2012) and 77 (October 2013), stand out. Sources for privateering research for the War of 1812 are so dispersed and disjointed that archival resources, legal cases, contemporary newspapers,

local histories, and personal memoirs corroborate and contradict each other. The best compilation of documents from both English and American sources remains the unfinished three-volume collection from the U.S. Naval Historical Center edited by William S. Dudley and Michael Crawford, *The Naval War of 1812, A Documentary History* (Washington, DC, 1985–).

Contemporary newspapers are particularly rich in detail but rarely reliable since editorial politics tended to override accuracy. For example, the *Columbian Centinel* was a Federalist (antiwar) newspaper published in Boston, while the *Salem Mercury*, later *Gazette*, supported the war. Fortunately, shipping reports tend to be less slanted, although there is a general tendency for American papers to overestimate the manpower and strength of enemy vessels as well as the value of their own privateers' prizes. Baltimore editor Hezekiah Niles tried to record all the captures of enemy shipping by American private armed vessels throughout the war in his *Weekly Register*, and his is still the most complete record of American privateer activity published throughout the war. Despite ignoring prizes that were recaptured and occasionally duplicating information, Niles recorded 1,634 American prizes. A useful companion to the online version of the *Weekly Register* (http://catalog.hathitrust.org/) is Timothy S. Good, ed., *American Privateers in the War of 1812: The Vessels and Their Prizes as Recorded in Niles' Weekly Register* (Jefferson, NC, 2012). Using Niles's numbering, Good helpfully lists the prizes by captor, both alphabetically and chronologically, but the book still contains the errors and omissions of the original newspaper.

Provincial newspapers like the *Nova Scotia Royal Gazette* and the *Halifax Gazette*, as well as the *New Brunswick Royal Gazette* of Saint John, New Brunswick, were less politically driven and reported shipping news and privateer activities by both sides fairly accurately.

The two most trustworthy British newspapers are *Lloyd's List*, published in London by Lloyd's insurers every Tuesday throughout the war, and the *London Gazette*, both now available online. Admittedly a vehicle for self-serving reports submitted to the admiralty by Royal Navy officers, the *Gazette* offered a weekly account of American prize captures by British naval vessels and announcements about the payment of prize money and head money pertaining to these captures. For a history of Lloyd's, see Godfrey Hodgson, *Lloyd's of London* (London, 1986).

CHAPTER 1: *In Flagrante Bello*

Over time, histories of privateering in general and the War of 1812 in particular have reflected different historical research trends and perspectives. For most naval historians, privateers were peripheral to, if not problematic for, any war at sea. Beginning with Theodore Roosevelt's benchmark examination of *The Naval War of 1812* (New York, 1882) and Alfred Thayer Mahan's two-volume *Sea Power in Its Relations to the War of 1812* (Boston, 1905), the role of private armed warfare has occasionally been acknowledged alongside that of a national navy. For additional references, see C. S. Forester, *The Age of Fighting Sail: The Story of the Naval War of 1812* (New York, 1956) and *The Naval War of 1812* (London, 1957); H. F. Pullen, *The Shannon and the Chesapeake* (Toronto, ON, 1970); Paul M. Kennedy, *The Rise and Fall of British Naval Mastery* (New York, 1976);

Wade Dudley, *Splintering the Wooden Wall: The British Blockade of the United States, 1812–1815* (Annapolis, MD, 2003); and George C. Daughan *1812: The Navy's War* (New York, 2011).

In the nineteenth century, Gomer Williams, *History of the Liverpool Privateers* (London, 1897), offered the fullest treatment of British privateering. One of the earliest records of American privateer activity can be found in George Foster Emmons, *The navy of the United States, from the commencement, 1775 to 1853; with a brief history of each vessel's service and fate . . . Comp. by Lieut. George F. Emmons . . . under the authority of the Navy Dept. To which is added a list of private armed vessels, fitted out under the American flag . . . also a list of the revenue and coast survey vessels, and principal ocean steamers, belonging to citizens of the United States in 1850* (Washington, 1853), online at www.1812privateer.org. His list, while incomplete and often inaccurate, is the first attempt after Niles's to capture the extent of American privateer activity, although it was just an appendix to Emmons's naval history. The classic treatment of American privateering was George Coggeshall, *The American Privateers* (New York, 1861). A former privateer himself and an unabashed supporter of the brotherhood, Coggeshall's history combines memoir and memorial but contains much truth. More objective and academic, Edgar Stanton Maclay's *A History of American Privateers* (New York, 1899) relied heavily on Coggeshall and Emmons.

Interest in colonial privateering was strong in the 1920s and 1930s. Works included J. Franklin Jameson, ed., *Privateering and Piracy in the Colonial Period: Illustrative Documents* (New York, 1923); Ralph Eastman, *Some Famous Privateers of New England* (Boston, 1928); and two books by Howard M. Chapin, *Rhode Island Privateers in King George's War, 1739–1748* (Providence, RI, 1926) and *Privateering in King George's War, 1739–1748* (Providence, RI, 1928). Canadian historian C. H. J. Snider took the first look at privateering in Canada with *Under the Red Jack* (Toronto, 1927), which is well researched but is more a boys' adventure story than history. During this period, two classic histories of privateering appeared: Charles Wye Kendall, *Private Men-of-War* (London, 1931), and W. B. Crane and J. P. Cranwell, *Men of Marque* (New York, 1940). All of the above works remain important for anyone studying the history of private armed warfare.

Historians focused on privateering again in the 1950s and 1960s with important regional studies such as Kenneth R. Andrews, *Elizabethan Privateering during the Spanish War, 1585–1603* (Cambridge, 1964); Ulane Bonnel, *La France, Les États-Unis et la guerre de course (1797–1815)* (Paris, 1961); J. S. Bromley's articles of the period, eventually collected as *Corsairs and Navies, 1660–1770* (London, 1987); Harold A. Mouzon, *Privateers of Charleston in the War of 1812* (Charleston, SC, 1954); Melvin H. Jackson, *Privateers in Charleston, 1793–1796* (Charleston, SC, 1969); and Joyce Harman, *Trade and Privateering in Spanish Florida, 1732–1763* (St. Augustine, FL, 1969).

By the 1970s, historians had recognized the economic value of private armed warfare, and research focused on privateering as a business. The seminal treatment of this aspect of privateering remains Jerome R. Garitee, *The Republic's Private Navy: The American Privateering Business as Practiced by Baltimore during the War of 1812* (Middletown, CT, 1977). Other useful references are James Lydon, *Pirates, Privateers, and Profits* (Upper Saddle River, NJ, 1970); John K. Mahon, *The War of 1812* (Gainesville, FL, 1972); Sarah

McCulloch Lemmon, *Frustrated Patriots: North Carolina and the War of 1812* (Chapel Hill, NC, 1973); Captain Donald Macintyre, *The Privateers* (London, 1975); Reuben Elmore Stivers, *Privateers and Volunteers: The Men and Women of Our Reserve Naval Forces, 1766 to 1866* (Annapolis, MD, 1975); John Leefe, *The Atlantic Privateers* (Halifax, 1978); Richard E. Winslow III, *"Wealth and Honour": Portsmouth During the Golden Age of Privateering, 1775–1815* (Portsmouth, NH, 1988); Patrick Crowhurst, *The French War on Trade: Privateering, 1793–1815* (Brookfield, CT, 1989); David J. Starkey, *British Privateering Enterprise in the Eighteenth Century* (Exeter, 1990); and Carl E. Swanson, *Predators and Prizes: American Privateering and Imperial Warfare, 1739–1738* (Columbia, SC, 1991). During the same period, J. C. A. Stagg's political analysis, *Mr. Madison's War: Politics, Diplomacy, and Warfare in the Early American Republic, 1783 to 1830* (Princeton, NJ, 1983), joined forces with Donald R. Hickey's previously mentioned revival of historical interest in the War of 1812 to prompt a new look at the effect of privateering on the conduct of the war.

Between 1990 and 2010, relatively little was written on privateers. John A. McManemin looked at American privateering in *Privateers of the War of 1812* (Spring Lake, NJ, 1992) and *Captains of the Privateers of the War of 1812* (Spring Lake, NJ, 1994), and I wrote about Canadian colonial privateers in Faye M. Kert, *Prize and Prejudice: Privateering and Naval Prize in Atlantic Canada in the War of 1812* (St. John's, NL, 1997) and *Trimming Yankee Sails: Pirates and Privateers of New Brunswick* (Fredericton, NB, 2005). Scott Sheads and Jerome Bird examined an individual privateer in *Privateers from the Chesapeake: The Story of Chasseur, the "Pride of Baltimore," and the War of 1812* (Baltimore, MD, 2001), as did Michael Rutstein with his replica privateer ship and its biography *Fame: The Salem Privateer* (Self-published, 2003).

CHAPTER 2: "True, Publick and Notorious"

For all its swashbuckling reputation and confusion with piracy, privateering is a legal wartime activity dating back to the Middle Ages, created and sanctioned by maritime states to protect and defend their trade from enemy attack either with or without the assistance of a national navy. Understanding the philosophical underpinnings of international law at sea requires some familiarity with seventeenth- and eighteenth-century legal scholars such as Emerich de Vattel (*The Law of Nations or Principles of the Law of Nations Applied to the Conduct of Affairs of Nations and Sovereigns*, published in French, 1758) and Dutch jurists Hugo Grotius (*Mare Librum*, 1609) and Cornelius van Bynkershoek (*De dominio maris*, 1702). New translations of their work are widely available.

One of the most interesting and arcane texts related to the history of early international law of the sea is a collection of documents assembled and edited by a former admiralty advocate, Sir Travers Twiss, Q.C, D.C.L., *Monumenta Juridica—The Black Book of the Admiralty* (London, 1857). A few years later, Francis H. Upton, LL.B., wrote *The Law of Nations affecting Commerce During War: With a Review of the Jurisdiction, Practice and Proceedings of Prize Courts* (New York, 1863). For an interesting comparison of U.S. and English applications, see James Brown Scott, ed., *Cases on International Law Selected from Decisions of English and American Courts* (St. Paul, MN, 1906).

Following the First World War, legal scholars focused on international law once

more, especially as it applied to wartime attacks on trade. Some of the best explanations of the law of prize and the origins of private armed warfare were written in the 1920s and 1930s; see R. G. Marsden, ed., *Documents Relating to Laws and Customs of the Sea*, 2 vols. (London, 1915); H. C. Rothery, *Prize Droits* (London, 1915); E. S. Roscoe, *A History of the English Prize Court* (London, 1924); and Sir William Holdsworth, *A History of English Law*, 16 vols. (London, 1938). American legal historians were preoccupied with admiralty law during the colonial period, and out of this interest grew research into the prize courts of the War of 1812. See Helen J. Crump, *Colonial Admiralty Jurisdiction in the Seventeenth Century* (London, 1931); Joseph D. Doty, *The British Admiralty Board as a Factor in Colonial Administration, 1689–1763* (Philadelphia, 1930); Richard Pares, *Colonial Blockade and Neutral Rights, 1739–1763* (Oxford, 1938). For an explanation of how British courts were adapted and transformed after the American Revolution, see two books by Henry J. Bourguignon: *The First Federal Court: The Federal Appellate Prize Court of the American Revolution, 1775–1787* (Philadelphia, 1977) and *Sir William Scott, Lord Stowell: Judge of the High Court of Admiralty, 1798–1828* (Cambridge, 1987).

The actual application of prize law during the War of 1812 is best described by the prize cases themselves. All cases heard by the Halifax Court of Vice-Admiralty are found in the Prize Court Records in Library and Archives Canada, RG8, IV, Vice-Admiralty Court, Halifax, 1784–1818 (vols. 1–166). The files are extensive and a wonderful source of information on wartime shipping, insurance, commerce, and capture by privateers and British naval vessels. Judge Croke's decisions up to the end of 1813 were recorded and published by James Stewart in *Reports of cases argued and determined in the Court of Vice-Admiralty at Halifax, in Nova Scotia from the commencement of the war, in 1803, to the end of the year 1813, in the time of Alexander Croke LLD., Judge of that Court* (London, 1814). These are now available online at http://www.mocavo.com.

When judgments by Halifax or any other colonial courts were appealed, they were sent to the High Court of Admiralty in London. The appeals can be found at Kew in HCA 42, Appeals for Prizes—Papers 1689–1833, and HCA 46, Prize Appeals, vols. 52–56. They have also been reported by John Dodson, LL.D., and George Minot, ed., *Reports of Cases Argued and Determined in the High Court of Admiralty Commencing with the Judgements of the Rt. Honorable William Scott (Lord Stowell) Trinity Term 1811*, 2 vols. (London, 1828). An online version is available at Google Books.

American prize case files are more widely dispersed as the legal judgments were handed down by district courts and remain in the archival collections of New York; Waltham, Massachusetts; Philadelphia, Pennsylvania; Baltimore, Maryland; and Atlanta, Georgia, as Record Group 21. Some, like those of the Southern District of New York are available online. Appeals from their decisions went to the U.S. Supreme Court and were published in *Prize Cases Decided in the United States Supreme Court, 1789–1918, including also cases on the instance side in which questions of Prize Law were involved*, 3 vols. (Oxford, 1923). See also Google Books.

Two particularly relevant legal studies of prizemaking during the War of 1812 are Donald A. Petrie, *The Prize Game: Lawful Looting on the High Seas in the Days of Fighting Sail* (Annapolis, 1999), and Richard W. Hill, *The Prizes of War: The Naval Prize System in the Napoleonic Wars, 1793–1815* (London, 1998). Meanwhile, renewed interest

in the international law of the sea, as well as piracy, has attracted other legal scholars; see Gary M. Anderson and Adam Gifford Jr., "Privateering and the Private Production of Naval Power," *Cato Journal* 11, no. 1 (Spring/Summer 1991); Larry J. Sechrest, "Privateering and National Defense: Naval Warfare for Private Profit," Independent Institute Working Paper 41, September 2001, available at www.independent.org/publications/working_papers; Damian O'Connor, "Privateers, Cruisers and Colliers: The Limits of International Maritime Law in the Nineteenth Century," *RUSI Journal* (Royal United Services Institute, February 2005); and Alexander Tabarrok, "The Rise, Fall, and Rise Again of Privateers" *Independent Review* 11, no. 4 (Spring 2007).

CHAPTER 3: No Prey, No Pay

With profit rather than patriotism as the prime motive for privateering, the evaluation of private armed warfare must be based on economics rather than tactics. Some useful background on the economic situation in the United States on the outbreak of war is found in entries by James Scythes, Marcel Desrosier, and Paul David in Spencer Tucker, ed., *The Encyclopedia of the War of 1812: A Political, Social, and Military History* (Santa Barbara, CA, 2012).

With Garitee's Baltimore study as a prime example and Brian Arthur's work establishing the baseline, the cost-benefit analysis of privateering relies heavily on the court costs versus sales records from several thousand captures. This data is most reliable when derived from the court records themselves. Fortunately, the prize files of the Halifax Court of Vice-Admiralty include much of this data for provincial captures and can be found in RG 8, IV, vols. 141–47—Accounts, 1803–1814; vols. 148–149—Bills of Costs, 1812–1813; and vol. 150—(a) Bills of costs, 1814, (b) Account Book, 1812–1814, and (c) Powers of Attorney, 1807–1813, Library and Archives Canada, Ottawa. For American prizes, the most reliable data is found in regional studies such as those previously mentioned by Garitee, Winslow, Rutstein, Cranwell, and Crane in the United States, and Kert for Atlantic Canada.

For a discussion of trading with the enemy under license, the most succinct article is Michael Crawford, "The Navy's Campaign Against the Licensed Trade in the War of 1812," *American Neptune* 46, no. 3 (Summer 1986). Nicholas Tracey presents the British perspective in *Attack on Maritime Trade* (Toronto, ON, 1991). Smuggling, like the licensed trade, was a covert activity that is not well documented. One of the best studies of smuggling during the War of 1812 is Joshua Smith, *Borderland Smuggling: Patriots, Loyalists, and Their Illicit Trade in the Northeast, 1783–1820* (Gainesville, FL, 2006).

Although rare, such archaeological studies as George Miller's analysis of ceramics from the 1813 prize brig *Ann* based on a Salem auction catalogue in Robert Hunter, ed., *Ceramics in America, 2012* (Lebanon, NH, 2012), help to ascertain the actual value of prize goods.

CHAPTER 4: The Misfortunes of War

Puncturing the romantic illusion of privateering is a matter of painstaking reading of individual ships' logs, memoirs, and contemporary news reports about captures, losses, deaths, and disasters in order to evaluate the many dangers faced by privateers. Primary sources like prisoner lists and pension requests are one source for tracking captures,

injuries, and deaths, as are genealogical publications such as Lloyd de Witt Bockstruck's *Naval Pensioners of the United States, 1800–1851* (Baltimore, MD, 2002). As for contemporary records, the best newspaper coverage is in the *Weekly Register* for American prizes, since editor Hezekiah Niles frequently published excerpts from privateer logs. British maritime merchants and investors relied on Lloyd's shipping reports for their livelihoods, making its weekly Marine List one of the most accurate means of tracking American privateers and their prizes, discovering which ones were captured, recaptured, or destroyed by either naval vessels or privateers, along with any lost or damaged at sea by weather or navigation hazards. It is posted at http://babel.hathitrust.org.

Ships' logs are essential narratives of privateer actions, but they are widely distributed among state historical societies, libraries, university archives, and private collections. The largest number of privateer logs is found in the Maryland Historical Society and includes logs from various Baltimore privateers, collected and transcribed by John Phillips Cranwell. Other important sources for privateer logs include the New York Public Library, the Essex Institute (now the Peabody Essex Museum), Salem, the Maine Historical Society, the Houghton Library at Harvard University, the William L. Clements Library at the University of Michigan, Ann Arbor, and the Rhode Island Historical Society. Such narratives—along with memoirs like the one edited by Amos G. Babcock, M.D. (a surgeon aboard the privateer *Enterprize*), entitled *A Journal, of a Young Man of Massachusetts* (Boston, 1816)—tell the story of privateering first-hand. Formerly attributed to Benjamin Waterhouse, this and other memoirs need to be used carefully as they were often published well after the events "remembered" and for a variety of not-necessarily historically accurate purposes.

Aside from occasional journal articles on individual privateers, few recent secondary sources cover the broad spectrum of either American or British colonial privateer activities. There has also been relatively little published recently on prisoners of war, although Ron Joy's *Dartmoor Prison: A Complete Illustrated History*, 2 vols. (Devon, UK, 2002), contains an excellent account of the experience of some six thousand American prisoners, many of them privateers. See also Patricia Crimmin, "The Impact of the Exchange of Prisoners of War in the Defense of Shipping in the Americas, 1812–14," in Clark G. Reynolds, ed., *Global Crossroads and the American Seas* (Missoula, MT, 1988), and Robin F. A. Fabel, "Self-Help in Dartmoor: Black and White Prisoners in the War of 1812," *Journal of the Early Republic* vol. 9, no. 2 (Summer 1989).

CHAPTER 5: The Prizewinners

Choosing the most successful privateers of the War of 1812 from among six hundred American and forty-five colonial privateers meant a heavy reliance on primary documents, reinforced, where possible, by secondary sources. For example, the story of the *Liverpool Packet* combined prize court records found in Library and Archives Canada, documents from the Nova Scotia Archives, American and provincial newspapers, entries in volumes 8, 9, and 10 of the *Dictionary of Canadian Biography*, and books, including Janet E. Mullins, *Some Liverpool Chronicles* (Liverpool, NS, 1980), and C. H. J. Snider, *Under the Red Jack* and *The "Glorious Shannon's" Old Blue Duster and other Faded Flags of Fadeless Fame* (Toronto, 1923). Each featured privateer represents a combination of

primary and secondary research, supplemented by references to genealogical sites and online privateer forums as well as journal articles and even Wikipedia. In the absence of a single comprehensive analysis, many threads have contributed to the story of prize-making in the War of 1812.

CONCLUSION: The Final Tally

Two hundred years after the War of 1812, it appears that the jury is still out on the causes of the war, public support for it, its outcome, and the role of privateering within it. I hope that this book generates new conversations about the topic.

Index

Abaellano, prizes of, 151
Abby, 66
Acasta, HMS, 91, 94, 163n70
accidents, as privateering peril, 94–95
Act for the More Effective Suppression of Piracy (1688), 45
Act for the Safe Keeping and Accommodation of Prisoners of War (1812), 102
Actress, 20
Act to Encourage Trade with America (1707), 45
Act to Interdict the Commercial Intercourse between the United States and Great Britain and France, and Their Dependencies, and for Other Purposes (1809), 64
Act to Prohibit American Vessels from Proceeding to or Trading with the Enemies of the United States, and for Other Purposes (1812), 62–63
Adams, Moses, 68–69
Adams, Samuel, 83, 183n18
Addington, Henry (Lord Sidmouth), 61, 62
Adele, 29
Adeline, 44, 76
Adelphi, 119
Adeona, 122
admiralty courts: in United States, process described, 22, 42, 44, 50–56, 93, 165n4, 181n94; U.S. and British courts compared, 39, 47, 50–52, 161n40; in War of 1812, 49, 50, 146. *See also* High Court of Admiralty; vice-admiralty courts
admiralty law, English history of, 40–41. *See also* prize law
Akins, Thomas, 16
Albion, 50, 72, 173n69
alcohol, 96–98
Alexander, 103; prizes of, 152
Alexis, 119
Alfred, 100, 101; prizes of, 152
Allen, Andrew, licensed trade and, 61
Allison, Joseph, 116, 136, 177n17; Barss imprisonment and, 183n16
Amanda, 17
Amelia (Baltimore), prizes of, 150
Amelia (*Saucy Jack* prize), 125
Amelia Island, Georgia, smuggling at, 68
America (Baltimore), 94; discipline of, 97; prizes of, 150
America (Salem), 78, 95, 130, 180n74; commission renewal of, 162n68; discipline aboard, 97; disposition of, 147; distinctiveness of, 20; history of, 120–22; *Hope* capture of, 78; last cruise of, 185n44; medical personnel aboard, 106; popularity of, 185n49; prizes of, 152; profits of, 185n49; size of, 19, 141; smuggling of, 31; statistical data on, 142
American Civil War, privateering in, 56
American Daily Advertiser, 47
American Revolution: debts from, 57; Joshua Barney in, 77; privateering in, 69
Anaconda, 13–14, 100; prizes of, 153
Analostan, 101, 179n62
Anderson, George, 63
Ann, 84, 95
Annapolis, Maryland, as prisoner of war camp, 102
Annapolis, Nova Scotia: privateers from, 75, 156; vice-admiralty court in, 167n34
Ann Dorothy, 79

Appleby, Joshua, 28
Arabella, 28
Archibald, James, 135
Argo (Baltimore), prizes of, 150
Argo (New London), prizes of, 149
Argus, 34; prizes of, 151
Astrea, 54
Atalante, HMS, 130; *Marques of Somerueles*, capture of, 46–47
Atas, 47, 48; prizes of, 149
Atcheson, Nathaniel, 65
Atlas, 13, 62, 91; prizes of, 154
Augusta, Maine, War of 1812, opinion in, 158n9
Aurora, 126
Avenger, HMS, 76
Avon, prizes of, 151

Babcock, Amos, 105–6
Bainbridge, William, political cartoon of, 60
Baker, John, Jr., 81, 108, 174n91
Balster, John, 108
Baltimore, Maryland: British blockade and, 49; costs of goods in, 30, 37, 85–86; forged trade licenses in, 62; privateers from, 19, 23, 47, 72, 81–82, 83, 84, 90, 91, 150–51; prize cases adjudicated in Georgia from port of, 48
Baltimore, prizes of, 150
Baltimore American, on *Comet*, 119
Bangor, Maine: Penobscot Expedition and, 160n32; privateers from, 150
Bantin, Henry, 107
Barnard, John, 138
Barnes, James, 128–29
Barney, Joshua, 13, 128, 178n42; discipline of, 97; issuance of commission no. 1 to, 77–78
Barret, John S., discipline of, 97–98
Barrie, Robert, 12
Barss, Isaiah, 116
Barss, James, 116
Barss, John, 116, 136
Barss, Joseph, 136
Barss, Joseph, Jr., 114–16, 136; imprisonment and later life of, 103, 183n16; reward for, 180n75
Barstow, Samuel, 129
Bath, Maine, privateers from, 23, 91
Bathurst, Henry, 14, 104, 113
Beasley, Reuben, 104
Beauchamp, John, 41
Beaufort, North Carolina, privateers from, 154
Beckwith, Sir George, 63
Belize, 131, 132
Bell, Elizabeth, 95
Bellona, prizes of, 154
Benjamin, 104
Benjamin Franklin, 81; prizes of, 153
Berkeley, George, on smuggling, 64
Bermuda, vice-admiralty court in, 55
Bible Society of Massachusetts, 122
Bisly, Horace, 105
Black Book of the Admiralty, 41–42
Black Joke (later *Liverpool Packet*), 112
Black Joke (New York), prizes of, 153
Black Vomit (Salem), 98, 114. See also *General Pike*
Blakely, prizes of, 151
blockade: defined legally, 163n79; of U.S. coastline by Royal Navy, 24–26, 29–30, 36–37, 49, 84, 85
Blockade (Bristol), 73, 184n23; prizes of, 155
Blockade (Middletown), prizes of, 149
Bona, 95; discipline aboard, 97–98; first cruise of, 78; prizes of, 150; size of, 71
Boston, Massachusetts: British blockade and, 25; cost of goods in, 27, 30, 37, 85–86; Frances Leavitt in, 180n74; insurance rates for ships in, 17, 29; privateers from, 23, 90, 91, 151–52; vice-admiralty court in, 45
Boston Gazette, 1–2, 124–25
Boston Messenger, 114
Boston Patriot, 29, 103, 137
Boston Repertory, 31, 67
Bothnea, 67–68
Bourwan, 29
Bowes, 119
Bowles, John, 131
Boxer, 138
Boyer, John, 87

Boyle, Thomas: as *Chasseur* captain, 16, 99, 161n33; as *Comet* captain, 13, 118–20; discipline of, 97
breaking bulk, 42, 134
Bream, HMS, 65
Breed, Holten, 21
Brest, France, privateers from, 156
Bristol, Maine, privateers from, 150
Bristol, Rhode Island: privateers from, 23, 155; prize cases adjudicated in Georgia from port of, 48; *Yankee*'s effect on economy of, 118
British Board of Trade and Plantations: licensed trade and, 61; piracy and, 45; smuggling and, 64
British Navy. *See* Royal Navy
British Transport Board, 13
Broke, prizes of, 156
Brown, Elihu Dearing, 130, 131–32, 133
Brown, Joshua, 72
Brutus, prizes of, 150
Buchanan, James A., 128, 129
Buckskin, 74, 172n41; prizes of, 152
Bulkeley, Charles, 92–93
Bullock, A. S., 49
Bulwark, HMS, 21, 132
Bunker Hill (Boston), prizes of, 151
Bunker Hill (New York), prizes of, 153
Bunker's Hill, 127; prizes of, 156
Burbank, George, 100, 179n60
Burdick, George, 128
Burrows, 84
Bynkershoek, Cornelius van, 43, 166n23

Cadet, 34; prizes of, 152
Caledonia, 23, 89, 129
Caledonian, 173n69
Campobello Island: boundary settlement of, 172n37; smuggling at, 64, 66
Canada, 14
Canada, Atlantic privateers of, 73–76, 165n1. *See also individual provinces and municipalities*
Cann, George, 81
cannibalism, 95
Cape Cod, *Liverpool Packet* on, 12, 114–15, 116, 134, 136
Capel, Thomas, 24
Carline, 137
Carnation, HMS, 139; pictured, 140
Caroline (Baltimore), 171n20; prizes of, 150
Caroline (New Orleans), prizes of, 149
Castigator, 63; prizes of, 152
Castine, Maine: insurance rates for ships in, 15; Penobscot Expedition and, 127, 160n32; privateers from, 23, 36
Cathell, Clement, 119, 128
Catherine, prizes of, 151
Ceres, 17, 22, 162n67
Challenger, 126. See also *True Blooded Yankee* (Preble-owned)
Champlain, prizes of, 150
Champlin, Guy R., 99, 138, 178n150
Chandler, Aseph, 134
Chapelle, Howard, 19–20
Charles Mary Wentworth, 112
Charles Stewart, 34; prizes of, 152
Charleston, South Carolina: privateers from, 23, 155; prize cases adjudicated in Georgia from port of, 48
Charlestown, Massachusetts, privateers from, 151–52
Charreton, Florrye, 175n100
Charybdis, HMS, 73
Chasseur, 108, 120; in combat, 99; prize-making of, 160n33; prizes of, 150; size of, 19, 20
Chazal, John Pierre, 49, 123–25
Chesapeake, USS, 14, 124, 137, 160n24, 181n83
Chesapeake Affair (1807), 3, 64, 158n4
Chesapeake Bay: Barney as U.S. commander in, 178n42; British blockade in, 12, 24, 78, 84, 119; insurance rates for ships in, 17; privateers in, 12–13
Chever, James, Jr., 97, 121–22, 185n49
China: Royal Navy in, 28; U.S. privateers and, 27–29
Cinq Ports, 41, 166n9
Civil War (U.S.). *See* American Civil War
Clark, James, 87
Clarkson, Hugh, Jr., 130
Clements, Francis, murder of, 104
Cleopatra, prizes of, 155
Cloutmen, Thomas, 95–96

Cochrane, Alexander, 140
Cockburn, George, 12, 24, 78
Coggeshall, George: criticism of American treatment of privateers of, 108; discipline of, 97; estimate of British losses of, 146; as privateer, 19, 97; prize sales and, 53
Collins, Enos: Barss imprisonment and, 183n16; *Liverpool Packet*, ownership of, 74, 112–13, 114, 116–17, 136; *Retaliation*, ownership of, 133, 134, 136; *Rolla*, ownership of, 177n17; *Sir John Sherbrooke*, ownership of, 136; *Thorn*, ownership of, 136
collusive capture: described, 66–67, 169n53; of *Experiment*, 55–56
Columbian Centinel, 91–92
combat, privateers and, 99–101
Comet (Baltimore), 13, 128, 171n20, 184n31; disposition of, 120, 147; history of, 118–20; pictured, 120; prizes of, 150; size of, 141; statistical data on, 142
Comet (Norfolk), 184n31; prizes of, 155
Comet (St. John), 74, 89
Cometa, 22
Commodore Barry, 20, 65
Commodore Hull, USS, 100
Commodore Macdonough, prizes of, 152
Compulsory Convoy Act (1808), 32. *See also* convoy system
Concord, 73
Congress, USS, 24
Connecticut, privateers from, 23, 36, 149. *See also individual municipalities*
Constitution, USS, 76
convoy system, 32–35, 85, 86
Coquette, HMS, 99, 138
Cora, 127; prizes of, 150
Cornwallis, Edward, 45–46
Cossack, 114
Crabtree, William, 91, 92
Cranwell, John Phillips, 97
Crimean War, end of privateering and, 56, 182n3
Croke, Alexander, 46–47, 55, 63
Croker, John, 34
Cross, William, 134
Crown, 75; prizes of, 156
Crowninshield, George, 77, 121; on *America*'s profits, 185n49; discipline of, 97; prisoners of war and, 103
Crowninshield, Mary Boardman, 122
Crowningshield & Sons, *America* (Salem) ownership of, 120–22
Cumberland, 34
Cunard, Samuel, as privateer, 87
Curlew, 20, 75, 94
Curlew, HMS, 22
Currier, Nathaniel, 140
customs officials: prizes and, 49, 54–55; smuggling and, 64, 66, 67, 69

Dabney, John, 141
Dameron, John, 78; discipline of, 97–98
Danels, J. D., 109
Dantzig, 63
Dart (*America* prize), 121
Dart (Portland), prizes of, 150
Dart (St. John): as *Actress*, 20; capture of, 99; desertion aboard, 98; disguising of sailors aboard, 19; mistaken identity of, 100; prizemaking of, 74; prizes of, 156
Dart (Salem), prizes of, 152
Dartmoor prison: John Baker Jr. at, 81, 174n91; Elihu Brown at, 132; deaths at, 105–6, 181n83; massacre at, 106; pictured, 105; as prisoner of war camp, 104–6
Dash (Nassau), 54
Dash (Norfolk), prizes of, 155
Dash (Portland): disappearance of, 127, 186n76; prizemaking of, 93; prizes of, 150
David Porter, 19, 79; prizes of, 152
death: at Dartmoor prison, 105–6; privateering and, 106–9
Decatur (Baltimore), prizes of, 150
Decatur (Charleston), 48; prizes of, 155
Decatur (Newburyport), 103, 183n16; prizes of, 152
Decatur, Stephen, 172n55
Declaration of Armed Neutrality (1780), 24, 163n79
Declaration of Paris (1856), 56, 112, 182n3
Defiance, 123; prizes of, 155
Delaware, lack of privateers from, 36

Delaware Bay, British blockade and, 24, 78
Delille, prizes of, 150
de Milo, Vascousellos, 119
DeWolf, James: spelling of name, 184n30; vessels owned by, 184n23; *Yankee* ownership of, 117–18
Diamond, 84; prizes of, 150
Diligent, prizes of, 154
Diomede, 48; pictured, 109; prizes of, 152
discipline, aboard ship, 97–98
disease, 95
Dispatch, 63
Dispatch, HMS, 12
Divided We Fall, prizes of, 153
Dobson, William, 107, 183n18
doctors, aboard ship, 106
Dolphin (Baltimore): accident aboard, 95; prizes of, 150
Dolphin (Liverpool), prizes of, 156
Dolphin (Salem): earnings of, 78; prisoner treatment aboard, 95; prizes of, 152
Dominica Packet, 119
Dooley, James, 98
Doris, HMS, 15
Dougan, John, 75
Dove, prizes of, 156
Dragon, HMS, 12, 163n70
Drake, 62, 171n20
Drake, Francis, 42
drawback system, 3, 66
Dromo, prizes of, 152
Duck, 137
Dudley Island, boundary settlement of, 172n37
dueling, 97, 178n43
Duke of Montrose, 160n23
Dye, Ira, 102

Eagle, 48; prizes of, 149
Eastport, Maine: insurance rates for ships in, 17; Penobscot Expedition and, 160n32; privateers from, 150; smuggling at, 64, 65, 67, 68–69; U.S.-Canadian amity in, 11
Eclipse, 47–48
Economy, condemnation of, 171n26
Edes, Samuel, 27–28
Edward, 75
Elbe, 73
Elbridge Gerry, prizes of, 153
Eldred, Nathaniel, 62, 171n22
Eliza, 17
Elizabeth, 50
Elizabeth I, privateers under, 42, 166n18
Elizabeth City, North Carolina, prize cases adjudicated in Georgia from port of, 49
Ellen, prizes of, 155
Ellenwood, Benjamin, 134, 135
Embargo Act (1807), 64
Emma, HMS, 19
Emulous, HMS, 25
Endeavour, 129
Endicott, Jacob, 95
Endymion, HMS, 107, 181n91
England, privateering history of, 40–43. *See also* Great Britain
Enterprise, 75
Enterprize, 22
Erie, USS, 129
Essex, USS, 33
Essex Register, 63, 84–85
Euphemia, 121
Evans, Samuel, 14
Expedition, 44; prizes of, 151
Experiment, 55–56; prizes of, 149
Express (American privateer), 94
Express (*Anaconda* prize), 14

Factor, 114
Fair Stranger, 131
Fair Trader, 34; prizes of, 152
Fairy, prizes of, 151
Falcon, 122
Falun, 82, 134–35
Fame (Salem), 34; commission renewal of, 162n68; as early privateer, 73, 77, 91; prizes of, 152
Fame (Thomastown), 150
Fame (*True Blooded Yankee* prize), 126
Fantome, HMS, 116
Favorite (Portland), 78; prizes of, 150
Favorite (prize), 17–18
Favourite, prizes of, 153
Federalists: privateering and, 12, 91; War of 1812, opinion on, 1, 7, 11, 58

Federal Republican, 11
Ferris, George M., Jr., 82–83
Fisher, 130
Flagg, William, 133
flags, 21–22
Flirt, prizes of, 153
Flor de Tejo, 175n110
Fly (Halifax), 101; prizes of, 156
Fly (Portland), 55–56, 66, 172n41; prizes of, 150
Forrester, C. S., 83, 146
Foster, Augustus, 62
Fox (Baltimore), 187n91; prizes of, 151
Fox (New York), 175n110, 187n91
Fox (Philadelphia), 187n91
Fox (Portsmouth), 187n91; commission renewal of, 162n68; disposition of, 147; distinctiveness of, 20; French ports, use of, 26; history of, 130–33; ownership of, 175n100; prize catalog of, pictured, 132; prizes of, 153; recruitment difficulties of, 80; size of, 187n101; statistical data on, 142; *Stranger* capture of, 14–15
Fox (Salem), prizes of, 152
France: as Canadian privateering target, 23, 74, 173n75; insurance rates for ships in, 17; privateering history of, 41; privateers from, 36, 74, 155; U.S. privateers and prize courts of, 26, 83, 175n100, 184n31; *True Blooded Yankee* and, 125–27. *See also* Napoleonic Wars
Frances, 117
Frankfort, Maine, privateers from, 23
Frederick Augustus, 62
Frederick Island, boundary settlement of, 172n37
Freeman, Benjamin, 116
Freeman, John, 113, 116, 177n17
Freeman, Joseph, 116, 136, 137, 177n17
Freeman, Malachi, 116
Freeman, Samuel, 116
Freeman, Seth, 116
Freeman, Thomas, 116, 133, 134
Frenchman's Bay, Maine, privateers from, 150
Friendship (Boston), 34, 66–67
Friendship (timber schooner), 21
Frolic, 20, 62, 170n20; prizes of, 153
Frolic, HMS, 22; political cartoon of, 60
Fulford, Henry, 84
Fundy, Bay of, smuggling at, 65

Gallatin, Albert, 24, 58
Gallinipper, prizes of, 153
Galloway, prizes of, 153
Garitee, Jerome, 72, 81, 83, 108, 144, 146
Garland, HMS, 71
Gaspé, pictured, 109
Gelston, Daniel, 25
General Armstrong (Charleston), 96; prizes of, 155
General Armstrong (New York), 19, 96, 108; in combat, 99; commission renewal of, 162n68; disposition of, 147; distinctiveness of, 20; history of, 138–41; pictured, 140; prizes of, 153; statistical data on, 142
General Pike, 83; discipline aboard, 98; prizes of, 153
General Putnam, prizes of, 153
General Smyth, 17, 169n50, 176n1; as first Atlantic privateer, 113; government claim to, 55; prizemaking of, 23–24, 74; prizes of, 156; *Reward*, condemnation of, 171n26
General Starks, prizes of, 153
General Wellesley, 118
George, prizes of, 156
George Little, prizes of, 152
Georgia: privateers from, 23, 36, 47–50, 149. *See also individual municipalities*
Germany: privateering history of, 41; Second World War wolf packs compared to privateers, 34
Gibraltar, vice-admiralty court in, 55
Girard, Stephen, 169n3
Gladstone, William, 35
Gleaner Packet, 20; prizes of, 150
Globe, 106; commission renewal of, 162n68; prizes of, 151
Gloucester, Massachusetts, privateers from, 23, 152
Golden Fleece, HMS, 125
Goodall, William, 65
Gooding, John, 129
Gordon, Alexander, 100

Gordon, Charles, 13
Gossamer, prizes of, 152
Governor McKean, 91; prizes of, 155
Governor Plumer, 136, 137; prizes of, 153
Governor Tompkins, 14; prizes of, 154
Grampus, 15, 108–9; prizes of, 151
Grand Manan, smuggling at, 64
Grand Turk, 21; prizes of, 153
Grayson, John, 131
Great Britain: maritime trade with United States, 58–59; War of 1812, opinion on, 7. See *also* Canada; England; Royal Navy
Grecian, 19
Green, John, 94
Greenbush, New York, as prisoner-of-war camp, 102
Greenwich Hospital, 167n33
Griggs, Alexander, 97
Grotius, 62, 170n20
Grotius, Hugo, 43, 166n23
Growler, 84, 135; prizes of, 153. See also *Shannon*
Guerriere, HMS, 186n59

Hague Convention and Protocol (1954), 47
Hailey, George J., 126
Hailey, Joshua, 126–27
Hailey, Simon, 126
Haley, Simeon, 27
Halifax, Nova Scotia: coastal defenses at, 34; cost of goods in, 36; as free port, 64; insurance rates for ships in, 15, 16, 17–18; Jefferson on capture of, 4; prisoners, treatment of, 102, 103, 180n70; privateers from, 75, 156; smuggling and, 68; vice-admiralty court in, 4, 30, 46, 47, 51–52, 53, 55, 63, 74, 90, 111, 168n42, 177n17
Halifax Gazette, 25; War of 1812, opinion on, 11
Hall, James, 94–95
Hamilton, James K., 83
Hamilton, Paul, 70
Hampden, Maine, Penobscot Expedition and, 160n32
Hampton Roads, Virginia, Royal Navy at, 24, 78
Handy, Samuel Clarke, 130–31, 132–33
Hannah, 28
Hardy, Sir Thomas, 171n22
Hare, 66, 74; prizes of, 156
Harlequin, 21, 72, 105, 131–32
Harpy, 84, 94, 106, 175n105; discipline aboard, 96, 97; prizes of, 154
Harrington, Harris, 134
Harris, John, 98
Harrison, 47–48, 49; prizes of, 151
Hassan, 71
Hawk, prizes of, 154
Hawkins, John, 42
Hawley, Lemuel, 27
Hazard (Baltimore), 72; prizes of, 151
Hazard (Charleston), 48, 50, 173n69
Hazard (Philadelphia), prizes of, 155
Hazard, John, 71
head money, 72–73, 145
Helen, 114
Henry III, 41
Henry Gilder: prizes of, 154; profit of, 87
Herald, 66, 74, 93–94; prizes of, 154
Hero (Newbern), prizes of, 149
Hero (New London), prizes of, 149
Heron, HMS, 20
Hibernia, 119–20; pictured, 120
Hickey, Frederick, 46–47
High Court of Admiralty, 51, 55, 63; history of, 42–43, 44
High Flyer, 78; prizes of, 151
Hiland Lass, 130
Hill, Samuel, 48
Hiram, 95
Holkar (New York), 48; prizes of, 154
Holkar (Salem), prizes of, 153
Hollins, 84; prizes of, 151
Hollins, John, 128, 177n17
Hollins, John Smith, 128, 177n17
Hook, Isaiah, 15
Hope (*America* prize), 78, 121
Hope (insured merchant), 17
Hope (*Mars* prize), 131
Hope (Philadelphia privateer), prizes of, 155
Hope, HMS, 127
Hopewell, 118
Hoppett, 25

Hornet, USS, political cartoon of, 60
Hull, 179n60
Hull, Isaac, 18; political cartoon of, 60
Hunter, prizes of, 152
Huntington, Benjamin, 83
Hussar, 108; commission renewal of, 162n68; share certificate of pictured, 6
Hyder Ally, 127; prizes of, 150

Ida, prizes of, 152
impressment, 3; of *Liverpool Packet* sailors, 12; Saywer and, 170n13; as War of 1812 cause, 4, 57. See also *Chesapeake* Affair (1807)
Increase, prizes of, 150
Indian, HMS, 34, 66–67
Industry, 81; prizes of, 152
Ingersoll, Josiah, 81, 174n93
Ino, prizes of, 152
insurance, privateers and rates of, 15–18
international law, privateering and, 43–44
Invincible, 48; prizes of, 154
Invincible Napoleon, 100
Irvine, Callendar, 160n25

Jack's Favourite. See *Favourite*
Jackson, Andrew, 139
Jacob Jones, 15, 27–29, 78; prizes of, 152
Jamaica, 103; Chazal in, 123, 125; insurance rates and, 15; *Liverpool Packet* sold in, 116; vice-admiralty court in, 45
James & Charlotte, 180n74
James Monroe, prizes of, 154
Jane, 119
Jay, John, prize law and, 51
Jefferson, 34, 121, 165n115; as early privateer, 77, 91; prizes of, 153
Jefferson, Thomas, 186n80; brown-water navy of, 9; on licensed trade, 61; Preble and, 186nn79–80; on privateering, 10, 23, 69–70; War of 1812 goals of, 4
Jenkins, Sir Leoline, prize law contributions of, 42–43
Jenkins, Weston, 135
Jenks, William, 118
Jervey, Thomas Hall, 123, 125
Joel Barlow, prizes of, 149
John, 108, 124; prizes of, 153
Johnson, Frederick, 107, 183n18
Johnson, William: on privateering, 10; on smuggling, 66, 68; *St. Nicholas*'s nationality and, 124; *Yankee*'s capture of *Frances* and, 117
Jones, William, 14, 18, 97; as privateer, 69; smuggling and, 67
Jonquille, prizes of, 154
Joseph & Mary, prizes of, 151
Judiciary Act (1789), admiralty law and, 55

Kehew, John, 121
Kemp, 94, 106; prizes of, 151
Kemp, Thomas, 128
Kennebunk, Maine, privateers from, 23, 150
Kent Island, Maryland, British capture of, 24
Kingston Packet, 133
Knaut, Benjamin, 116
Knaut, Lewis, 12, 116
Kutuzoff, 128

Lacount, Thomas, 95
Lady Gallatin, 62
Lady Johnson, capture of, 14
Lady Madison, 48; prizes of, 149
Laforey, Sir Francis, 119
La Hogue, HMS, 24, 107
land, commerce by. *See* "mud-clipper" trade
Landrail, HMS, 34
La Paz, HMS, 133
Lark, 15, 160n28; prizes of, 150
Larkin, Samuel, 82, 132
Law of Nations (Vattel), 43–44
Lawrence, 22, 162n67; prizes of, 151
Lawrence, Abraham Riker, 83, 126
Lawrence, James, 160n24
Leader, prizes of, 155
Leavitt, Francis, 103, 180n74
Le Chartier, Placide, 50, 173n69
Leach, prizes of, 153
Leo, 19; commission renewal of, 162n68; prizes of, 150, 156
Leonidas, 50
letters of marque: described, 5, 10, 11–12, 39, 40; to distinguish privateer from

pirate, 44; history of, 41; *Liverpool Packet*'s pictured, 115; smuggling, use of, 66
Lively, Henry, 78, 98, 109
Lewis, prizes of, 149
Liber Niger Admiralitatis. See *Black Book of the Admiralty*
Liberty, 47, 48, 168n40; prizes of, 151
Libre, 119
licensed trade, 60–64, 170n12, 170n19
Liffey, HMS, 33
Lightning, HMS, 119
Lilly, 94–95
Lingan, James, 11
Lion (London), 107
Lion (Marblehead), 34, 95–96, 165n115; prizes of, 152
Lively (Liverpool), prizes of, 156
Lively (New London), prizes of, 149
Liverpool, Nova Scotia, privateers from, 75, 156
Liverpool Packet, 82, 103, 136, 169n50, 176n1; as American originally, 20; disposition of, 147, 183n16; distinctiveness of, 20; *Economy*, condemnation of, 171n26; government claim to, 55; history of, 112–17; impressment from, 12; mistaken attribution of prizes to, 89; mistaken identity of, 100; *Nonsuch*, possible use of name of, 176n2; pictured, 113; prizemaking of, 23–24, 74, 75; prizes of, 156; *Retaliation* and, 133, 134; reuse of, 20; size of, 141, 183n14; statistical data on, 142
Lizard, prizes of, 150
Lloyd, Robert, 139–40
Lloyd's of London, 15–16, 18, 33, 160n29
Loire, HMS, 177n17
Long, George, 130
Lord Keith, 14
Louisiana, privateers from, 23, 36, 149. *See also individual municipalities*
Louis Napoleon, 141
Lovely Cordelia: prizes of, 155; as *Rapid*, 168n39
Lovely Lass, 124; prizes of, 154
Lucy, 121
Lunenburg, 63; prizes of, 156
Lunenburg, Nova Scotia, privateers from, 75, 156
Lydia, 160n28
Lynn, Massachusetts, privateers from, 23
Lynx, 19
Lyon, 152

MacDonough, 184n23
Macdonough, 154
Macedonian, prizes of, 153
Machias, Maine, Penobscot Expedition and, 160n32
Madeira, 28
Madison, 14, 20; prizes of, 152
Madison, James: commission no. 1, issuance by, 77–78; criticism of, 135–36; declaration of war, issuance by, 58; Royal Navy blockade and, 26; trade policy of, privateering and, 65
Maffet, David, 13, 62
Mahan, Alfred Thayer, 24
Maidstone, HMS, 91, 94, 163n70, 174n87
mail packets, 87; as privateer targets, 13–14, 37, 99, 106, 160n23
Maine: privateers from, 23, 36, 150; smuggling in, 67. *See also individual municipalities*
Malcolm, 75
Mammoth, prizes of, 151
Manchester, 99, 160n23
Manly, HMS, 175n110
Mansfield, Lord. *See* Murray, William (Lord Mansfield)
Marblehead, Maine, privateers from, 150
Marblehead, Massachusetts: privateers from, 23, 38; War of 1812 participation of, 38
Marengo: ownership of, 175n100; prizes of, 154
Margaret, 126
Maria, 17, 65
Marques of Somerueles, capture of, 46–47
Mars (*Fox* prize), 131
Mars (New London), 92–93, 176n11; prizes of, 149; recruitment advertisement pictured, 92
Mars (New York), prizes of, 154
Mars (Norfolk), 48, 50; prizes of, 155

Mars (Portsmouth), 14, 94
Mary (Ipswitch merchant), 61
Mary (New York privateer), 100
Mary (Swedish merchant), 32–33
Mary Ann (Charleston), 123; prizes of, 155
Mary Ann (*Governor Tompkins* prize), 14
Maryland, privateers from, 36, 150–51. *See also individual municipalities*
Massachusetts: privateers from, 23, 36, 151–53; prize court established in, 50. *See also individual municipalities*
Matilda (Annapolis), 136; prizes of, 156
Matilda (Philadelphia), 48, 91, 107; prizes of, 155
May, 107
McBlair, Michael, 128, 177n17
McManemin, John, 8
Melish, John, engraving by, 2
Melville Island, Nova Scotia, as prisoner-of-war camp, 102, 103, 104–5
Mentor, 123
Midas, 48, 49, 54; prizes of, 151. See also *Nonsuch*
Middlesex, 114
Middletown, Connecticut, privateers from, 23, 149
Miller, George, 85
Miller, William, 103
Milnes, 129
Minerva (American privateer), 75
Minerva (*Fox* prize), 131
Minerva (Liverpool), 74, 89; prizes of, 156
Minerva (*Weazle* prize), 63
Minerva, HMS, 33
Mobile, Alabama, prize cases adjudicated in Georgia from port of, 49
Monche, 19
Monroe, James: privateering and, 12; smuggling and, 69
Montgomery, 62, 106; prizes of, 153
Montreal, Quebec, War of 1812, opinion in, 11
Moody, John, 68
Moon, Richard, 103–4
Moose Island, 67; boundary settlement of, 172n37; smuggling at, 64, 65
Morely, 28
Morgan, John R., 22
Morgiana (New York), prizes of, 154
Morgiana (*Saratoga* prize), capture of, 20–21, 99
Morning Star, 20, 94
Mowry, Jabez, smuggling and, 67
Mt. Desert, Maine, privateers from, 23
"mud-clipper" trade, 30–32
Murphy, John, 108–9
Murray, William (Lord Mansfield), 43, 167n25
Mutine, 100

Nancy, prizes of, 153
Napoleonic Wars: British debt in, 169n1; War of 1812, effects of, on, 3, 4
National Gazette and Public Ledger, insurance rates and, 16–17
Nautilus, 75
Ned, 108; prizes of, 151
neutral rights, 134; *General Armstrong* in Portugal, 139, 141; in international law, 24–26, 42–44, 166n23, 167n26, 167n29; licensed trade and, 38, 60–61; *St. Nicholas* case and, 119–20
Never Despair, 123
New Bedford, Massachusetts, privateering and, 12
New Bedford Mercury, 95
Newbern, Connecticut, privateers from, 149
New Brunswick: combat in, 104–5; privateers from, 8, 36, 38, 66, 69, 74, 88, 89–90, 100, 107, 110, 111, 112, 146, 156; smuggling in, 64–69; vice-admiralty court in, 46, 52, 167n34; War of 1812 in, 10–11
New Brunswick Courier, 81
Newburyport, Massachusetts, privateers from, 23, 74, 152
Newcomb, Henry S., 100
New England: privateer recruitment from, 91; Royal Navy blockade and, 25, 26, 88; War of 1812, opinion on, 1, 4, 7, 11, 58, 87–88, 144, 157n1, 158n9. *See also individual states and municipalities*
Newfoundland, vice-admiralty court in, 45
New Hampshire, privateers from, 36, 153. *See also individual municipalities*

New Haven, Connecticut, privateers from, 23
New Jersey, privateers from, 36
New London, Connecticut, privateers from, 23, 149
New Orleans, Louisiana: battle of (1815), *General Armstrong*'s influence on, 139–40, 188n129; cost of goods in, 86; insurance rates for ships in, 17, 29, 161n39; privateers from, 23, 91, 149; Royal Navy blockade of, 29–30
New Orleans Packet, 185n59
Newport, Rhode Island, privateers from, 23, 155
New York (state), privateers from, 23, 36, 153–54, 175n99. *See also individual municipalities*
New York City: British blockade and, 84; forged trade licenses in, 62; insurance rates for ships in, 17; privateers from, 23, 82–85, 153–54; prize cases adjudicated in Georgia from port of, 48; Royal Navy blockade and, 25; U.S. district court of, 51, 53
New York Commercial Advertiser, 11
Nichols, William, 103, 183n16
Niles, Hezekiah, 7, 15; calculations of relative to privateers' impact, 146; privateers, encouragement of, 78; on smuggling, 68; on traitors, 62; on vice-admiralty courts, 55
Niles's *Weekly Register*, 20, 35; on *America*'s profits, 185n49; on Crowninshield's generosity, 122; first privateer captures reported, 73; on *Fox*, 131; on insurance rates, 169n39; on *Mars*, 93; on prisoners of war, 103; privateering, quantity, estimates of, 8; privateering, recordkeeping of, 7, 15, 94, 146; on *Saucy Jack*, 93, 124; staple prices reports of, 85–86; on *Surprise*, 128–29; on *True Blooded Yankee*, 127
Nimrod, HMS, 123
Nonpareil, prizes of, 155
Nonsuch (Baltimore), 48, 49, 77–78, 109; discipline aboard, 98; prizes of, 151. See also *Midas*
Nonsuch (Canada), 89, 176n2
Nonsuch (Northport), prizes of, 150
Norfolk, Virginia: cost of goods in, 30; privateers from, 23, 155; prize cases adjudicated in Georgia from port of, 48
Norfolk Gazette and Public Ledger, 58; War of 1812, opinion on, 11
North Carolina: privateers from, 36, 154; War of 1812, opinion in, 11
Northport, Maine, privateers from, 150
Norway, U.S. privateers and prize courts of, 26, 126
Nova Scotia: insurance on vessels in, 16; privateers from, 8, 36, 38, 69, 74, 88, 89–90, 100, 107, 110, 111, 112, 146, 156; vice-admiralty court in, 52, 167n34; War of 1812 in, 10. *See also individual municipalities*
Nova Scotia Royal Gazette, 37

Ohio, 130
Olive, 20
Opossum, HMS, 119
Orders in Council, prizes of, 154
Ordronaux, John, 175n100
Orion, 114
Orlando, 74; prizes of, 152
Orpheus, HMS, 136
Ouless, Philip John, 109
Owen, David, 65–66
Oxnard, Edward, 128, 186n76
Oxnard, Henry, 127–28
Oxnard, Thomas, 127, 186n76

Parker, Snow, 133–34
Partridge, 21
Passamaquoddy Bay, 33; smuggling at, 65, 69
Patapsco, 13, 48, 84, 119; commission renewal of, 162n68; prizes of, 151
Patriot, prizes of, 154
Paulina, 136
Paul Jones, 71, 94; British blockade and, 26; prizemaking of, 14, 93; prizes of, 154; profit of, 87
Peacock, HMS, political cartoon of, 60
Pelham, 124
Pelter, HMS, 34

Penelope, 74
Pennsylvania, privateers from, 23, 36, 154–55. *See also individual municipalities*
Pennsylvania Academy of Fine Arts, 46
Penobscot Expedition, 160n32
Pensacola, Florida, 30
pensions, 108–9, 181n94
Perkins, John, 27, 28, 29
Perkins, Simeon, 69
Perkins, Thomas, 27, 28, 29
Perkins & Co., 27
Perry, 94; prizes of, 151
Persian, HMS, 123, 185n57
Philadelphia, Pennsylvania, 46–47; cost of goods in, 85–86; insurance rates for ships in, 17; privateers from, 23, 74, 90, 91, 154–55; prize cases adjudicated in Georgia from port of, 48; vice-admiralty court in, 45
Phoebe, HMS, 179n62, 188n121
Pictou, Nova Scotia, privateers from, 75
Pike, prizes of, 151
Pilot, prizes of, 151
piracy: history of, 40–44; law and, 45–46; privateering compared to, 7, 39, 44, 70, 145, 169n50
Plantagenet, HMS, 139; pictured, 140
Plumper, HMS, 34
Polly, 48, 130, 179n62; commission renewal of, 162n68; insurance and, 16; ownership of, 87; prizes of, 153; *Queen* captured by, 81
Poor Sailor, prizes of, 155
Porter, John, 33, 93
Porter, Lemuel, 27
Porter, Samuel, 93
Porter, Seward, 93
Porter, William, 93
Portland, Maine, 81; privateers from, 23, 150
Portland Gazette, 20, 98; on *Liverpool Packet*, 114
Portsmouth, New Hampshire, privateers from, 82, 131, 153
Portsmouth, prizes of, 153
Portsmouth Oracle, 21
Portsmouth Packet, 116. See also *Liverpool Packet*
Portugal: licensed trade and, 60; U.S. privateers and, 28, 119, 139–41
Potter, William Jones, 135
Preble, Edward, 126
Preble, Henry, 26–27, 126–28; as U.S. consul, 128, 186nn79–80
Preble, Martha, 128
President, USS, 24, 181n83
Price, prizes of, 151
Price, John, 26
Prince of Neufchatel, 19, 57, 107; ownership of, 175n100; prizemaking of, 83; prizes of, 154
Princess Elizabeth, 175n105
prisoners of war, 101–6; exchange and parole of, 102–3, 110
privateering: in American Civil War, 56; in American Revolution, 69; as business, 69–73; described, 4–6, 7–8, 9–10, 11–12, 13, 18, 38–39; division of prizes, 166n14, 168n48, 168n50; economic impact of, 145–46, 189n3; history of, pre-1812, 40–46, 69–70; military impact of, 147; perils of, 93–95; piracy compared to, 7, 39, 44, 70, 145, 169n50; profitability of, 86–87; Royal Navy attitudes toward, 12; statistical data of, 8, 23, 24, 30, 35–37, 38, 55, 74, 76, 78, 79, 80, 83, 84, 86, 88, 89–90, 91, 100, 110, 111, 149–56; U.S. Navy collaboration with, 12–13; U.S. public attitudes toward, 12
privateers (people): alcohol and, 96–98; combat and, 99–101; death and, 106–9; described, 39; discipline of, 95–98; dress of, 18–19; pensions of, 108–9; prizes and, 48–49; recruitment of, 79–82, 91–93; statistics of, 107
privateers (vessels): bonds for, 166n18; described, 38; design of, 19–21; distinctiveness of, 20; doctors on, 106; flags of, 21–22; outfitting of, 71–72; quantity, estimates of, 8; reuse of, 20–21; sails of, 19–20; sizes of, 15
prize law: history of, in England and Great Britain pre-1812, 41–46; history of, in the United States, 44
prizemasters, described, 22–23

Providence, Rhode Island: as prisoner-of-war camp, 102; privateers from, 23, 155
Pursuit, 13

Quakers, 135; privateering and, 12
Queen (*General Armstrong* prize), 138
Queen (*St. Michael* and *Polly* prize), 81

Raleigh, Sir Walter, 42
Rambler (Boston), 27–29; commission renewal of, 162n68; pictured, 28; prizes of, 152
Rambler (Bristol), 27–28, 184n23; prizes of, 155
Ramilies, HMS, 171n22
Ranger, prizes of, 153
Rapid (Charleston), 22, 48; prizes of, 155
Rapid (Portland), 91–92; prizes of, 150
Rapid (Savannah), 47, 48; as *Lovely Cordelia*, 168n39; prizes of, 149
Rattler, 136
Rattler, HMS, 65, 100
Rattlesnake (Boston), prizes of, 152
Rattlesnake (Philadelphia), 26; commission renewal of, 162n68; prizes of, 155
recapture, described, 54
Reed, Joseph, 62
Regulator, 87; prizes of, 153
Reid, Samuel C., 19, 108, 143; as *General Armstrong* captain, 138–41; discipline of, 97
Reindeer, prizes of, 152
Republicans, War of 1812, opinion on, 1, 11, 58
Resolution, prizes of, 151
Retaliation (Halifax), history of, 133–35
Retaliation (Liverpool), 61, 82; prizes of, 156
Retaliation (New London), prizes of, 149
Retaliation (New York), 87; prizes of, 154
Retrieve, prizes of, 156
Revenge (Baltimore), 13, 119, 151, 171n20
Revenge (Norfolk), prizes of, 155
Revenge (Northport), prizes of, 150
Revenge (Philadelphia), prizes of, 154
Revenge (Salem): becomes *Retaliation*, 133–34; prizes of, 153
revenue cutters: as privateer targets, 99; prizes of, 55
Reward, 17; condemnation of, 171n26
Reynolds, William King, 82
Rhode Island: British blockade and, 25; privateers from, 23, 36, 155; vice-admiralty court in, 167n31. *See also individual municipalities*
Rhodian, HMS, 181n76
Rice, William, 130
Richardson, Joseph, discipline of, 97
Richardson, William P., 128
Rifleman, HMS, 34
Riker, Abraham, 83, 183n18
Riker, Andrew, 84
Robbarts, John, 27–29
Robinson, John, 107
Robson, Thomas, 107, 124, 186n60
Roden, Charles, 126
Rodgers, John, 172n55
Roger, prizes of, 155
Rolla (Baltimore), 93, 177n17; discipline aboard, 98; prizes of, 151
Rolla (Liverpool), 93; prizes of, 156
Ropes, Joseph, 121, 180n74
Rosamond, prizes of, 154
Rossie, 13, 48, 77–78, 106, 178n42; prizes of, 151
Rota, HMS, 139; pictured, 140
Rover (Liverpool), prizes of, 156
Rover (New York), 83; prizes of, 154
Royal Navy: blockade of U.S. coast by, 24–26; in Canada, 73; use of captured privateers by, 20; convoy system, 32–33; creation of, 42; dress of, 18; fraudulent trade licenses and, 62; privateering, attitude toward, 12; recapture of vessels from U.S. Navy of, 76; War of 1812 status of, 4, 73. *See also individual ships*
Rutstein, Michael, 144

Sabine (Baltimore), 128; prizes of, 151
Sabine (New York), 48
Saco, Maine, privateers from, 23
sails, on privateers, 19–20
Saint John, New Brunswick: as free port, 64; privateers from, 74, 156; smuggling at, 65, 67; War of 1812 opinion of, 10–11

Saint John City Gazette & General Advertiser, 74
Salem, Massachusetts: British blockade and, 85; as prisoner-of-war camp, 102; privateers from, 12, 23, 74, 77, 90, 91, 152–53; prize cases adjudicated in Georgia from port of, 48
Salem Gazette, 1, 25, 31
Salem Mercury, 14
Sally Ann, condemnation of, 171n26
Salter, Henry, 130
Samuel & Sarah, 33
Sandbird, 63
San Domingo, HMS, 183n18
San Joaquin, 17
San Jose Indiano, 117–18
Sarah Ann, 48, 50, 103–4, 181n76; prizes of, 151
Saranac, prizes of, 151
Saratoga, 84, 100, 106; commission renewal of, 162n68; false flags, use of, 62; *Morgiana* capture of, 20–21, 99; prizes of, 154; profit of, 87
Saucy Jack, 48, 71–72, 107; commission renewal of, 162n68; disposition of, 147; history of, 122–25; lightning strike of, 94; recruitment for, 93; prizes of, 155; prize-making of, 49–50; size of, 141; statistical data on, 142
Savannah, Georgia: British blockade and, 25; insurance rates for ships in, 17; privateers from, 23, 149; prize cases adjudicated in Georgia from port of, 48; U.S. district court of, 47–50, 54
Savannah River, 94
Sawyer, Barnabas, 21
Sawyer, Herbert: licensed trade and, 61, 170n13; requests of, for larger naval presence in Canada, 73
Scorpion, prizes of, 153
Scott, Jonathan, 63
Scott, Sir William (Lord Stowell), 51, 54, 55
Scourge, 26; prizes of, 154
Seapatch, John, 105
Second World War: *Marques of Somerueles* case as precedent for treatment of Nazi looting in, 47; privateers compared to German "wolf packs" in, 34
Seely, Caleb, 115, 116, 184n19
Severn, 112, 183n4. See also *Liverpool Packet*
Shadow, 91, 107
Shannon, 134, 135; prizes of, 156. See also *Growler*
Shannon, HMS, 13, 104, 121, 124, 137
Shark, 87
Shaw, Abraham, 115
Shaw, Thomas Manning, 115, 130
Shelburne, Nova Scotia, as free port, 64
Shelby, Isaac, 143
Sherbrooke, Sir John Coape: Clements murder and, 104; convoy system and, 32; letters of marque issued by, 74, 115; licensed trade and, 61; *Liverpool Packet* and, 112–13, 116; privateering's effect on, 13, 14; proclamation of U.S. war declaration by, 10
Sicard, Pierre, 123, 168n39
Sidmouth, Lord. *See* Addington, Henry (Lord Sidmouth)
Silsbee, Nathaniel, 87
Sine Qua Non, 152
Sir John Sherbrooke (formerly *New Orleans Packet*), 124, 185n59
Sir John Sherbrooke (Liverpool), 62, 74, 107; history of, 135–38; prizes of, 156; *Retaliation* compared to, 133
Siro, 95; prizes of, 151
slave trade, 182n4; *Comet* in, 118; DeWolf in, 118; *Liverpool Packet* (as *Severn*) in, 112, 113
Smith, John, 118
Smith, John Everingham, 123
Smith, Samuel, 128, 129
Smith, William Allen, 46
smuggling, 64–69
Smyth, George, 66
Snapdragon, 66, 74
Snap Dragon, 85; commission renewal of, 162n68; prizes of, 154
Snapper, 107
Snow, Cyrus, 48
Snow, Elisha, 117
Snowbird, 95–96; prizes of, 152
South (U.S.): dueling in, 178n43; Royal Navy blockade and, 25; War of 1812, opinion on, 4, 11, 58

South Carolina: privateers from, 36, 155; vice-admiralty court in, 167n31. *See also individual municipalities*
Spain: Argentine revolt against, 133; licensed trade and, 60; privateering history of, 41
Spark, 87; prizes of, 154
Sparrow, prizes of, 155
Spartan, HMS, 91, 94
Spencer, prizes of, 155
Spencer, HMS, 138
Spy, prizes of, 154
Squando, prizes of, 153
Stacey, Samuel, 95–96
St. Andrews, New Brunswick, 171n31
Stanwood, Enoch, 101
Star (Connecticut), 105
Star (St. John), 74, 116; prizes of, 156
Star (*Surprise* prize), 129
Starks, prizes of, 153
Statira, HMS, 76, 171n26
Stephens, William, 22, 47, 49
Stiles, George, issuance of commission no. 1 to, 77–78
Stivers, Reuben, 8
St. Lawrence, HMS, 99
St. Mary's, Georgia: privateers from, 23, 47; *Saucy Jack* and, 49; as southernmost American port, 49
St. Michael, 81
St. Michael's, Maryland, 128
St. Nicholas, 124
Stonington, Connecticut, privateers from, 23, 149
Story, Joseph, 44
Stowell, Lord. *See* Scott, Sir William (Lord Stowell)
Stranger, 14–15, 133
Success, 101
Surprise, 103, 180n69; *Comet* compared to, 118; disposition of, 147; history of, 128–30; prizes of, 151; size of, 19, 20, 141; statistical data on, 142
Surprize, prizes of, 153
Suzannah, 16
Swaine, Thomas, 104–5
Swallow, 87
Swanson, Carl, 55
Sweden: capture of ships from, by *Saucy Jack*, 125; licensed trade and, 60, 61, 63; vessels from, used for smuggling, 64–65
Swift, prizes of, 155
Swiftsure, 22; discipline aboard, 98; prizes of, 153
Swordfish, prizes of, 152
Sylph, commission renewal of, 162n68
Sylph, HMS, 33
Syren, 109, 138; prizes of, 154

Tamahamaha, 27–29, 163n87
Tartar, 72, 94
Taylor, James, 107
Taylor, Lemuel, 97, 128, 129
Teazer, 83, 107, 183n18; prizes of, 154
Telegraph, HMS, 138, 188n121
Tenedos, HMS, 22
Terrible, prizes of, 153
Thames, 117
Thomas, 71; capture of *Liverpool Packet* by, 115; disposition of, 116; prizes of, 153
Thomas, Charles, 90
Thomastown, 150
Thorn, 136; prizes of, 152. See also *Sir John Sherbrooke*
Thrasher, prizes of, 153
Tibbetts, Henry, 114
Tickler, prizes of, 154
Tigress, 151
Tom, prizes of, 151
topsail schooners, as privateers, 19
trade, U.S.-British, 58–59. *See also* licensed trade; smuggling
Trafalgar, battle of (1805), 3
Transit, 84
Transport No. 50, 14
transport ships, as privateer targets, 13, 14–15, 99
Traveller, 15
Treaty of Ghent (1814), 88, 147
Trenton True American, 31
True Blooded Yankee (Hailey-owned), 126; prizes of, 149
True Blooded Yankee (Preble-owned), 16, 26–27, 119; disposition of, 146; history of, 125–28; prizes of, 156; statistical data on, 142

Tryal, 72, 90
Tuckahoe, prizes of, 152
Tulip, 62
Two Brothers, prizes of, 149
Two Friends, 135

Ultor, 48, 54; prizes of, 151
Ulysses, 48
Union (*Liverpool Packet* prize), 114
Union (St. John privateer), 74, 89
Union Packet, 137
United Nations Convention on the Law of the Sea (1982), 167n23
United States of America, maritime trade with Great Britain of, 58–59
United We Stand, prizes of, 154
Upton, prizes of, 153
Upton, Jeduthan, Jr., 101, 179n62
Upton, John, 114
U.S.-Canadian diplomatic relations, 1–3
U.S. Constitution, maritime and prize law in, 51
U.S. Court of Appeals in Cases of Capture, 50
U.S. Navy: Americans' frustrations with, regarding privateering, 135–36; commerce raiding of, 172n55; dress of, 18; Jefferson's ideas for, 9; privateers and, 12–13; War of 1812 status of, 4, 70. *See also individual ships*
U.S. Supreme Court, 50; cases in, 44, 54, 55, 66, 68, 117, 124, 170n20; prize law and, 44, 51, 55

Van Blake, Issac, 97
Variable, HMS, 181n76
Vattel, Emmerich de, 43–44
Vengeance, 188n121
Venus, 129; prizes of, 151
vice-admiralty courts, 45–46, 51, 55, 167n31, 167n34
Victory, 61; prizes of, 150
Vigilant (*Comet* prize), 119
Vigilant (*Dart* captor), 99
Viper (New York), prizes of, 154
Viper (Salem), prizes of, 153
Virginia: privateers from, 23, 36, 155; vice-admiralty court in, 45; War of 1812, support for, 58. *See also individual municipalities*
Virginia Ann, 129
Volant (Boston), prizes of, 152
Volant (French privateer), 17
Volcano, HMS, 125

Wanton, William, 66
War of 1812: cost of, 57–58, 145, 169n1; declarations, 7, 10; reasons for, 4, 57
War of Jenkins Ear (1739–1748), privateering in, 55
Warren, Sir John Borlase, 12, 30; convoy system and, 34; privateering's effect on, 13; privateer quantity, estimate of, 8; Royal Navy blockade and, 24–25, 30
Warrior, 138; prizes of, 154
Washington, 67–68; prizes of, 150
Washington, George, as privateer, 69
Washington, North Carolina, privateers from, 154
Washington Cartel, 102
Wasp, 48; commission renewal of, 162n68; discipline aboard, 98; hired by U.S. Navy in Chesapeake Bay, 13, 119; prizes of, 153
Wasp, HMS, 136
Wasp, USS, 22; political cartoon of, 60
Waterhouse, Benjamin, 96, 106
Water Witch, prizes of, 155
weather, as privateering peril, 93–94
Weazle, 63; prizes of, 156
Weekly Register, 54
Weeks, Joseph, 91
Weston, Jonathan D., 65
Whig, prizes of, 151
White, John, 98
Whittier, John Greenleaf, 93
widows and orphans, 108–9, 161n34, 168n48; of *Rolla* seaman, 93
Wilmington, North Carolina, privateers from, 154
Wilson, Gerard, 128
Wilson, Oliver, 117
Wiltshire, John, 126
Wily Reynard, 104; prizes of, 152

Winkley, John, 132–33
Winslow, Richard E., 82, 131, 144
Wolverine, 61, 116; prizes of, 156. See also *Thomas*

Yankee (Baltimore), 48
Yankee (Bristol), disposition of, 146–47; history of, 117–18; prizes of, 155; size of, 141; statistical data on, 142
Yankee (New London), prizes of, 149
York, 94, 108; prizes of, 151
Yorktown, 99; prizes of, 154
Young Eagle, 72, 78; prizes of, 153
Young Teazer, 100, 107; distinctiveness of, 20; prizes of, 154
Young Teazer's Ghost, 116, 183n18. See also *Liverpool Packet*
Young Wasp, 27, 94; prizes of, 155